

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Madeleine Clayton 07/19/2001
Departmental Forms Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6086
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for the extension of approval of an information collection received on 05/10/2001.

TITLE: South Pacific Tuna Act

AGENCY FORM NUMBER(S): None

ACTION : APPROVED

OMB NO.: 0648-0218

EXPIRATION DATE: 07/31/2004

| BURDEN | RESPONSES | BURDEN HOURS | BURDEN COSTS |
|----------------|-----------|--------------|--------------|
| Previous | 384 | 248 | 0 |
| New | 672 | 430 | 73 |
| Difference | 288 | 182 | 73 |
| Program Change | | 182 | 73 |
| Adjustment | | 0 | 0 |

TERMS OF CLEARANCE: None

NOTE: The agency is required to display the OMB control number and inform respondents of its legal significance (see 5 CFR 1320.5(b)).

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

| | |
|--|---|
| 1. Agency/Subagency originating request | 2. OMB control number b. <input type="checkbox"/> None a. _____ - _____ |
| 3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions | 4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by ____ / ____ / ____ c. <input type="checkbox"/> Delegated |
| | 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | 6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: ____ / ____ |
| 7. Title | |
| 8. Agency form number(s) (<i>if applicable</i>) | |
| 9. Keywords | |
| 10. Abstract | |
| 11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government | 12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory |
| 13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____ | 14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____ |
| 15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit | 16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____ |
| 17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No | 18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____ |

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator or head of MB staff for L.O.s, or of the Director of a Program or Staff Office)

Signature



Date

4-16-01

Signature of NOAA Clearance Officer

Signature



Date

4/23/2001

**SUPPORTING STATEMENT
SOUTH PACIFIC TUNA ACT
OMB CONTROL NO. 0648-0218**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

The Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America (attachment 1), signed in Port Moresby, Papua New Guinea, in 1987, and its annexes, schedules and implementing agreements, as amended (Treaty), authorizes U.S. tuna vessels to fish within fishing zones of a large region of the Pacific Ocean. The South Pacific Tuna Act (16 U.S.C. 973g and 973j, attachment 2) and U.S. implementing regulations (50 CFR 300.32 and 300.34, attachment 3) authorize the collection of information from participants in the Treaty fishery.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

Vessel operators who wish to participate in the Treaty fishery must submit annual license and registration applications, VMS registration applications, and periodic written reports of catch and unloading of fish from a licensed vessel (attachment 4). The information collected is submitted to the Forum Fisheries Agency (FFA) through the U.S. government (National Marine Fisheries Service [NMFS]). License and registration application information is used by FFA to determine the operational capability and financial responsibility of a vessel operator interested in participating in the Treaty fishery. Information obtained from vessel catch and unloading reports is used by FFA to assess fishing effort and fishery resources in the region and to track the amount of fish caught within each Pacific island state's exclusive economic zone for fair disbursement of Treaty monies. The FFA requires that certain Automated Location Communication (also called vessel monitoring systems or VMS) units be used and installed to act in support of existing surveillance assets such as patrol vessels, surveillance flights and regional observers that currently operate across an area of approximately 30 million square kilometers. The VMS units are to be activated when a U.S. vessel is operating in the EEZ of a Pacific Island Country which currently requires VMS under its national regulations. Transponders may be remotely polled by the country when a vessel is in that nation's particular EEZ. This period can vary between countries but is typically every five minutes.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

The fishery information collected is on forms that are required under the Treaty, its amendments and annexes. The simplest and least burdensome method to obtain the information is, on these forms, directly from the vessel operator. At present there is no existing technology that would be

as efficient and as simple as the required forms. To reduce the burden on respondents, NMFS supplies the necessary information collection forms and instructions and collects completed forms, either in person, by mail or by fax. NMFS then provides hard copy forms and electronically processed data to the FFA. VMS units provide electronic vessel location/position data. These units use current information technology in the monitoring process by electronic reporting and thus there is no manual reporting burden for the vessel operator/crew. The FFA is exploring electronic logbook reporting and may be available to U.S. vessels in the future.

4. Describe efforts to identify duplication.

Duplication is avoided through consultations and cooperation between the U.S. government, FFA and the Pacific island states. There are no other data collection programs in place; therefore, there is no duplication with other programs. There are no programs currently in place that contain the information requested on the forms.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

The collection of information is a requirement, under the Treaty, for vessels to participate in the Treaty fishery. Each vessel is considered a “large business” for the purposes of this collection.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

If the information is not collected, the U.S. government will not meet its obligations under the Treaty, and the lack of fishing information will result in poor management of the fishery resource. Unfortunately, if there were continued failure to meet U.S. obligations, the Treaty might be terminated and the continuation of the U.S. purse seine fishing would be threatened.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

The frequency and format of information collection is mandated by the Treaty. A vessel operator is required to supply some information once per year and other information upon completion of each fishing trip and each unloading, which may occur sooner than each quarter. It is estimated that the average number of fishing trips is 5-6 per vessel per year and the average number of unloadings is 6-7 per vessel per year. If the information is not collected as required, the vessel operator would be in violation of the Treaty and subject to fines and prosecution, the U.S. government would not meet its obligations under the Treaty, and management of the fishery stocks would be impaired. The type and substance of information collected from vessel operators generally conforms to the OMB guidelines. Respondents are required to supply information at the completion of each fishing trip and unloading, which may occur sooner than each quarter, and are requested to provide some vessel operational statistics in metric equivalents. This requirement may still be interpreted as being in conformance with the guidelines. VMS reporting is required when vessel operate within Pacific Islands EEZs or on the

high seas. While the position reports are considered a “burden”, there is no manual operation required that takes an personnel time; the operation is fully automatic.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

The PRA Federal Register notice that solicited public comments on the information collection is attached (attachment 5); no comments were received on the proposed renewal.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

No payment or gift to respondents has occurred.

10. Describe any assurance or confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

All data are collected for the specific use by the FFA. Confidential data collected by NMFS are governed by NOAA Administrative Order 216-100. In addition, the South Pacific Tuna Act (16 U.S.C. 973j) provides for confidentiality of catch and unloading information provided by vessel operators.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, or other matters that are commonly considered private, are required in the information collection.

12. Provide an estimate in hours of the burden of the collection of information.

The estimated total annual burden hours is as follows:

(a) License application form - 1 response per year x .25 hr./response (1 page of information) x 32 respondents = 8 hrs.

(b) Registration application form - 1 response per year x .50 hr./response (2 pages of information) x 32 respondents = 16 hrs.

(c) VMS application form - 1 response per year x .25/hr./response (1 page of information) x 32 respondents = 8 hrs.

(d) Catch report form - 5 responses per year x 1 hr./response (3 pages of information) x 32 respondents = 160 hrs.

(e) Unloading logsheet: 6 responses per year x .50 hr./response (1 page of information) x 32 respondents = 96 hrs.

(f) Installation of VMS Units = 11 vessels x 4 hours per vessel = 44 hours

(f) Messaging time for VMS Units - 32 vessels x 24 seconds per day x 365 days = 78 hours

(g) Maintenance for VMS Units - 32 vessels x 2 hours per year = 64 hours

Total burden figures are 32 respondents, 704 responses, and 474 hours for first year using VMS Units and 32 respondents, 672 responses, and 430 hours for subsequent years. The drop is because all vessels would have VMS units installed after the first year.

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.

The total annual cost burden to the respondents is \$112.872 or \$3,527 per respondent for first year requiring VMS Units and \$52,672 or \$1,646 per respondent for subsequent years.

(a) Mailing costs - \$1.00 per forms package x 32 respondents = \$32.

(b) VMS Registration Fee - \$845.00 per year x 32 respondents = \$27,040

(c) Purchase of VMS Units (first year only) - \$3,000 per unit x 11 respondents = \$33,000

(d) Installation of VMS Units (first year only) - \$850.00 per vessel x 32 respondents = \$27,200

(e) Maintenance of VMS Units - \$800 per year x 32 respondents = \$25,600

14. Provide estimates of annualized cost to the Federal government.

The estimated annualized cost to federal government (\$4,759) is described below (dollar amounts are rounded off).

(a) License application forms - 1 page of information @ \$0.10/page x 32 respondents = \$3.

(b) Registration application forms - 3 pages of information @ \$0.10 each x 32 respondents = \$10.

(c) VMS Registration application forms - 1 page of information @ \$0.10 each x 32 respondents = \$3.20

(d) Mailing and handling of applications - \$1.00 per forms package x 32 respondents = \$32.

(e) Staff review and processing - 0.30 hr./response (3 pages of information) @ \$15.00/hr. [GS-7] x 32 respondents = \$144.

(f) Catch report forms - 3 pages of information x \$0.14 per page x 4 responses per year x 32 respondents = \$54.

(g) Unloading logsheet - 1 page of information x \$0.14 per page x 6 responses per year x 32 respondents = \$26.

(h) Mailing and handling of forms - 20 pages of information x \$1.00 per package of forms x 32 respondents = \$640.

(i) Staff review and processing - 20 pages of information x 0.30 hr./page x \$20.00/hr. [GS-11] x 32 respondents = \$3,840

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

Vessel operators who wish to participate in the Treaty fishery must now purchase, install and maintain a Vessel Monitoring System (VMS) and submit a VMS Registration Form as mandated by the parties of the Treaty.

Vessel Monitoring Systems are rapidly becoming a standard compliance measure in terms of ensuring the integrity of fishing zones throughout the world. The Forum Fisheries Agency's Member Countries decided to implement a regional VMS to assist in the management of the fisheries resources within their EEZs. As a party to the South Pacific Tuna Act, U.S. vessels who wish to participate in this Treaty fishery, must comply with this requirement.

16. For collections whose results will be published, outline the plans for tabulation and publication.

The information collected is not for publication.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

All forms used in the information collection are developed by the FFA. They do not display the expiration date for OMB approval.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

All forms used in the information collection are developed and supplied by the FFA. They do not indicate the retention period for record keeping requirements, or inform respondents of the information called for under 5 CFR 1320.8(b)(3). It is not known whether the forms were developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected.

No PRA information will be displayed on or be attached to forms distributed directly by the FAA. NMFS does distribute some of the license application and vessel registration forms, and the attached PRA information will be sent with those forms.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Statistical methods are not used for this collection.

TREATY ON FISHERIES BETWEEN THE GOVERNMENTS OF CERTAIN PACIFIC ISLAND STATES AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA

THE GOVERNMENTS OF THE PACIFIC ISLAND STATES party to this Treaty and the Government of the United States of America:

ACKNOWLEDGING that in accordance with international law, coastal States have sovereign rights for the purposes of exploring and exploiting, conserving and managing the fisheries resources of their exclusive economic zones or fisheries zones;

RECOGNISING the strong dependence of the Pacific Island parties on fisheries resources and the importance of the continued abundance of those resources;

BEARING IN MIND that some species of fish are found within and beyond the jurisdiction of any of the parties and range throughout a broad region; and

DESIRING to maximize benefits flowing from the development of the fisheries resources within the exclusive economic zones or fisheries zones of the Pacific Island parties;

HAVE AGREED AS FOLLOWS:

Article 1

Definitions and interpretation

1.1 In this Treaty:

(a) "Administrator" means that person or organisation designated by the Pacific Island parties to act as such on their behalf pursuant to this Treaty and notified to the Government of the United States;

(b) "final judgment" means a judgment from which no appeal proceedings have been initiated within sixty days;

(c) "fishing" means:

(i) searching for, catching, taking or harvesting fish;

(ii) attempting to search for, catch, take or harvest fish;

(iii) engaging in any other activity which can reasonably be expected to result in the locating, catching,

taking or harvesting of fish;

(iv) placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons;

(v) any operations at sea directly in support of, or in preparation for any activity described in this paragraph; or

(vi) aircraft use, relating to the activities described in this paragraph except for flights in emergencies involving the health or safety of crew members or the safety of a vessel;

(d) "fishing vessel of the United States" or "vessel" means any boat, ship or other craft which is used for, equipped to be used for, or of a type normally used for commercial fishing, which is documented under the laws of the United States;

(e) "Licensing Area" means all waters in the Treaty Area except for:

(i) waters subject to the jurisdiction of the United States in accordance with international law; and

(ii) waters closed to fishing by fishing vessels of the United States in accordance with Annex I;

(f) "operator" means any person who is in charge of, directs or controls a vessel, including the owner, charterer and master;

(g) "Pacific Island party" means a Pacific Island State party to this Treaty and "Pacific Island parties" means all such States from time to time;

(h) "Pacific Island State" means a party to the South Pacific Forum Fisheries Agency Convention, 1979;^[1]

(i) "party" means a State party to this Treaty, and "parties" means all such States, from time to time;

(j) "this Treaty" means this Treaty, its Annexes and Schedules; and

(k) "Treaty Area" means all waters north of 60 degrees South latitude and east of 90 degrees East longitude, subject to the fisheries jurisdiction of Pacific Island parties, and all other waters within rhumb lines connecting the following geographic co-ordinates, designated for the purposes of this Treaty, except for waters subject to the jurisdiction in accordance with international law of a State which is not a party to this Treaty:

| | |
|-----------|-------------|
| 2°35'39"S | 141°00'00"E |
| 1°01'35"N | 140°48'35"E |

| | |
|------------|-------------|
| 1°01'35"N | 129°30'00"E |
| 10°00'00"N | 129°30'00"E |
| 14°00'00"N | 140°00'00"E |
| 14°00'00"N | 142°00'00"E |
| 12°30'00"N | 142°00'00"E |
| 12°30'00"N | 158°00'00"E |
| 15°00'00"N | 158°00'00"E |
| 15°00'00"N | 165°00'00"E |
| 18°00'00"N | 165°00'00"E |
| 18°00'00"N | 174°00'00"E |
| 12°00'00"N | 174°00'00"E |
| 12°00'00"N | 176°00'00"E |
| 5°00'00"N | 176°00'00"E |
| 1°00'00"N | 180°00'00" |
| 1°00'00"N | 164°00'00"W |
| 8°00'00"N | 164°00'00"W |
| 8°00'00"N | 158°00'00"W |
| 0°00'00" | 150°00'00"W |

| | |
|------------|-------------|
| 6°00'00"S | 150°00'00"W |
| 6°00'00"S | 146°00'00"W |
| 12°00'00"S | 146°00'00"W |
| 26°00'00"S | 157°00'00"W |
| 26°00'00"S | 174°00'00"W |
| 40°00'00"S | 174°00'00"W |
| 40°00'00"S | 171°00'00"W |
| 46°00'00"S | 171°00'00"W |
| 55°00'00"S | 180°00'00" |
| 59°00'00"S | 160°00'00"E |
| 59°00'00"S | 152°00'00"E |

and north along the 152 degrees of East longitude until intersecting the Australian 200 nautical mile limit.

1.2 Nothing in this Treaty shall be deemed to affect the applicability of any provision of a Pacific Island party's law which is not identified or otherwise described in this Treaty.

Article 2

Broader co-operation

2.1 The Government of the United States shall, as appropriate, co-operate with the Pacific Island parties through the provision of technical and economic support to assist the Pacific Island parties to achieve the objective of maximizing benefits from the development of their fisheries resources.

2.2 The Government of the United States shall, as appropriate, promote the maximization of benefits generated for the Pacific Island parties from the operations of fishing vessels of the United States licensed pursuant to this Treaty, including:

- (a) the use of canning, transshipment, slipping and repair facilities located in the Pacific Island parties;
- (b) the purchase of equipment and supplies, including fuel supplies, from suppliers located in the Pacific Island parties; and
- (c) the employment of nationals of the Pacific Island parties on board licensed fishing vessels of the United States.

Article 3

Access to the Treaty Area

3.1 Fishing vessels of the United States shall be permitted to engage in fishing in the Licensing Area in accordance with the terms and conditions referred to in Annex I and licences issued in accordance with the procedures set out in Annex II.

3.2 It shall be a condition of any licence issued pursuant to this Treaty that the vessel in respect of which the licence is issued is operated in accordance with the requirements of Annex I. No fishing vessel of the United States shall be used for fishing in the Licensing Area without a licence issued in accordance with Annex II or in waters closed to fishing pursuant to Annex I, except in accordance with paragraph 3 of this Article, or unless the vessel is used for fishing albacore tuna by the trolling method in high seas areas of the Treaty Area.

3.3 A Pacific Island party may permit fishing vessels of the United States to engage in fishing in waters under the jurisdiction of that party which are:

- (a) within the Treaty Area but outside the Licensing Area; or
- (b) except for purse seine vessels, within the Licensing Area but otherwise than in accordance with the terms and conditions referred to in Annex I,

in accordance with such terms and conditions as may be agreed from time to time with the owners of the said vessels or their representatives. In such a case, if the Pacific Island party gives notice to the Government of the United States of such arrangements, and if the Government of the United States concurs, the procedures of Articles 4 and 5.6 shall be applicable to such arrangements.

Article 4

Flag State responsibility

4.1 The Government of the United States shall enforce the provisions of this Treaty and licences issued thereunder. The Government of the United States shall take the necessary steps to ensure that nationals and fishing vessels of the United States refrain from fishing in the Licensing Area and in waters closed to

fishing pursuant to Annex I, except as authorised in accordance with Article 3.

4.2 The Government of the United States shall, at the request of the Government of a Pacific Island party, take all reasonable measures to assist that party in the investigation of an alleged breach of this Treaty by a fishing vessel of the United States and promptly communicate all the requested information to that party.

4.3 The Government of the United States shall ensure that:

(a) each fishing vessel of the United States licensed pursuant to this Treaty is fully insured against all risks and liabilities;

(b) all measures are taken to facilitate:

(i) any claim arising out of the activities of a fishing vessel of the United States, including a claim for the total market value of any fish taken from the Licensing Area without authorisation pursuant to this Treaty, and the prompt settlement of that claim;

(ii) the service of legal process by or on behalf of a national or the Government of a Pacific Island party in any action arising out of the activities of a fishing vessel of the United States;

(iii) the prompt and full adjudication in the United States of any claim made pursuant to this Treaty;

(iv) the prompt and full satisfaction of any final judgment or other final determination made pursuant to this Treaty; and

(v) the provision of a reasonable level of financial assurances, if, after consultation with the Government of the United States, all Pacific Island parties agree that the collection of any civil or criminal judgment or judgments or determination or determinations made pursuant to this Treaty has become a serious enforcement problem;

(c) an amount equivalent to the total value of any forfeiture, fine, penalty or other amount collected by the Government of the United States incurred as a result of any actions, judicial or otherwise, taken pursuant to this Article is paid to the Administrator as soon as possible following the date that the amount is collected.

4.4 The Government of the United States shall, at the request of the Government of a Pacific Island party, fully investigate any alleged infringement of this Treaty involving a vessel of the United States, and report as soon as practicable and in any case within two months to that Government on that investigation and on any action taken or proposed to be taken by the Government of the United States in relation to the alleged infringement.

4.5 In the event that a report provided pursuant to paragraph 4 of this Article shows that a fishing

vessel of the United States:

(a) while fishing in the Licensing Area did not have a licence to fish in the Licensing Area, except in accordance with paragraph 2 of Article 3; or

(b) was involved in any incident in which an authorised officer or observer was allegedly assaulted with resultant bodily harm, physically threatened, forcefully resisted, refused boarding or subjected to physical intimidation or physical interference in the performance of his or her duties as authorised pursuant to this Treaty; or

that there was probable cause to believe that a fishing vessel of the United States:

(c) was used for fishing in waters closed to fishing pursuant to Annex I, except as authorised in accordance with paragraph 3 of Article 3;

(d) was used for fishing in any Limited Area as described in Annex I, except as authorised in accordance with that Annex;

(e) was used for fishing by any method other than the purse seine method, except in accordance with paragraph 2 of Article 3;

(f) was used for directed fishing for Southern Bluefin Tuna or for fishing for any kinds of fish other than tunas, except that other kinds of fish may be caught as an incidental by-catch;

(g) used an aircraft for fishing which was not identified on a form provided pursuant to Schedule 1 of Annex II in relation to that vessel; or

(h) was involved in an incident in which evidence which otherwise could have been used in proceedings concerning the vessel has been intentionally destroyed;

and that such vessel has not submitted to the jurisdiction of the Pacific Island party concerned, the Government of the United States shall, at the request of that party, take all necessary measures to ensure that the vessel concerned leaves the Licensing Area and waters closed to fishing pursuant to Annex I immediately and does not return except for the purpose of submitting to the jurisdiction of the party, or after action has been taken by the Government of the United States to the satisfaction of that party.

4.6 In the event that a report provided pursuant to paragraph 4 of this Article shows that a fishing vessel of the United States has been involved in a probable infringement of this Treaty, including an infringement of an applicable national law as identified in Schedule 1 of Annex I, other than an infringement of the kind described in paragraph 5 of this Article, and that the vessel has not submitted to the jurisdiction of the Pacific Island party concerned, the Government of the United States shall, at the request of that party, take all necessary measures to ensure that the vessel concerned:

(a) submits to the jurisdiction of that party; or

(b) is penalised by the Government of the United States at such level as may be provided for like violations in United States law relating to foreign fishing vessels licensed to fish in the exclusive economic zone of the United States but not to exceed the sum of US\$250,000.

4.7 Financial assurances provided pursuant to this Treaty may be drawn against by any Pacific Island party to satisfy any civil or criminal judgment or other determination in favour of a national or the Government of a Pacific Island party.

4.8 Prior to instituting any legal proceedings pursuant to this Article concerning an alleged infringement of this Treaty in waters within the jurisdiction, for any purpose, as recognised by international law, of a Pacific Island party, the Government of the United States shall notify the Government of that Pacific Island party that such proceedings shall be instituted. Such notice shall include a statement of the facts believed to show an infringement of this Treaty and the nature of the proposed proceedings, including the proposed charges and the proposed penalties to be sought. The Government of the United States shall not institute such proceedings if the Government of that Pacific Island party objects within 30 days of the effective date of such notice.

4.9 The Government of the United States shall ensure that an agent is appointed and maintained in accordance with the requirements of subparagraphs (a) and (b) of this paragraph, with authority to receive and respond to any legal process issued by a Pacific Island party in respect of an operator of any fishing vessel of the United States (identified in the form set out in Schedule 1 of Annex II) and shall notify the Administrator of the name and address of such agent, who:

(a) shall be located in Port Moresby for the purpose of receiving and responding to any legal process issued in accordance with this Article; and

(b) shall, within 21 days of notification that legal process has been issued in accordance with this Article, travel to any Pacific Island party, at no expense to that party, for the purpose of receiving and responding to that process.

Article 5

Compliance powers

5.1 It is recognised that the respective Pacific Island parties may enforce the provisions of this Treaty and licences issued thereunder, including arrangements made pursuant to Article 3.3 and licences issued thereunder, in waters under their respective jurisdictions.

5.2 The Governments of the Pacific Island parties shall promptly notify the Government of the United States of any arrest of a fishing vessel of the United States or any of its crew and of any charges filed or proceedings instituted following the arrest, in accordance with this Article.

5.3 Fishing vessels of the United States and their crews arrested for breach of this Treaty shall be promptly released upon the posting of a reasonable bond or other security. Penalties applied in accordance with this Treaty for fishing violations shall not be unreasonable in relation to the offence and shall not include imprisonment or corporal punishment.

5.4 The Government of the United States shall not apply sanctions of any kind including deductions, however effected, from any amounts which might otherwise have been paid to any Pacific Island party, and restrictions on trade with any Pacific Island party, as a result of any enforcement measure taken by a Pacific Island party in accordance with this Article.

5.5 The Governments of the parties shall adopt and inform the other parties of such provisions in their national laws as may be necessary to give effect to this Treaty.

5.6 Where legal proceedings have been instituted by the Government of the United States pursuant to Article 4, no Pacific Island party shall proceed with any legal action in respect of the same alleged infringement as long as such proceedings are maintained. Where penalties are levied or proceedings are otherwise concluded by the Government of the United States pursuant to Article 4, the Pacific Island party which has received notice of such final determination shall withdraw any legal charges or proceedings in respect of the same alleged infringement.

5.7 During any period in which a party is investigating any infringement of this Treaty involving a fishing vessel of the United States, being an infringement which is alleged to have taken place in waters within the jurisdiction, for any purpose, as recognised by international law, of a Pacific Island party, and if that Pacific Island party so notifies the other parties, any licence issued in respect of that vessel shall, for the purposes of Article 3, be deemed not to authorise fishing in the waters of that Pacific Island party.

5.8 If full payment of any amount due as a result of a final judgment or other final determination deriving from an occurrence in waters within the jurisdiction, for any purpose, of a Pacific Island party, is not made to that party within sixty (60) days, the licence for the vessel involved shall be suspended at the request of that party and that vessel shall not be authorised to fish in the Licensing Area until that amount is paid to that party.

Article 6

Consultations and dispute settlement

6.1 At the request of any party, consultations shall be held with any other party within sixty (60) days of the date of receipt of the request. All other parties shall be notified of the request for consultations and any party shall be permitted to participate in such consultations.

6.2 Any dispute between the Government of the United States and the Government of one or more Pacific Island parties in relation to or arising out of this Treaty may be submitted by any such party to an arbitral tribunal for settlement by arbitration no earlier than one hundred and twenty (120) days

following a request for consultations under Article 6.1. Unless the parties to the dispute agree otherwise, the Arbitration Rules of the United Nations Commission on International Trade Law as at present in force, shall be used.

6.3 The Government or Governments of the Pacific Island party or parties to the dispute shall appoint one arbitrator and the Government of the United States shall appoint one arbitrator. The third arbitrator, who shall act as presiding arbitrator of the tribunal, shall be appointed by agreement of the parties to the dispute. In the event of a failure to appoint any arbitrator within the time period provided in the Rules, the arbitrator shall be appointed by the Secretary-General of the Permanent Court of Arbitration at The Hague.

6.4 Unless the parties to the dispute agree otherwise, the place of arbitration shall be Port Moresby. The tribunal may hold meetings at such other place or places within the territory of a Pacific Island party or elsewhere within the Pacific Islands region as it may determine. An award or other decision shall be final and binding on the parties to the arbitration, and, unless the parties agree otherwise, shall be made public. The parties shall promptly carry out any award or other decision of the tribunal.

6.5 The fees and expenses of the tribunal shall be paid half by the Government or Governments of the Pacific Island party or parties to the arbitration and half by the Government of the United States, unless the parties to the arbitration agree otherwise.

Article 7

Review of the Treaty

7. The parties shall meet once each year for the purpose of reviewing the operation of this Treaty.

Article 8

Amendment of the Treaty

8. The following procedures shall apply to the adoption and entry into force of any amendment to this Treaty.

- (a) Any party may propose amendments to this Treaty.
- (b) A proposed amendment shall be notified to the depositary not less than forty five (45) days before the meeting at which the proposed amendment will be considered.
- (c) The depositary shall promptly notify all parties of such proposal.
- (d) The parties shall consider proposed amendments to this Treaty at the annual meeting described in Article 7, or at any other time that may be agreed by all parties.

(e) Any amendment to this Treaty shall be adopted by the approval of all the parties, and shall enter into force upon receipt by the depositary of instruments of ratification, acceptance or approval by the parties.

(f) The depositary shall promptly notify all parties of the entry into force of the amendment.

Article 9

Amendment of Annexes

9. The following procedures may apply to the adoption and entry into force of any amendment to an Annex of this Treaty, at the request of the party proposing the amendment, in lieu of the procedure set out in Article 8, unless otherwise provided in the Annex.

(a) Any party may propose amendment to an Annex of this Treaty at any time by notifying such proposal to the depositary, which shall promptly notify all parties of the proposed amendment.

(b) A party approving a proposed amendment to an Annex shall notify its acceptance to the depositary, which shall promptly notify all the parties of each acceptance. Upon receipt by the depositary of notices of acceptance from all parties, such amendment shall be incorporated in the appropriate Annex and shall have effect from that date, or from such other date as may be specified in such amendment. The depositary shall promptly notify all parties of the adoption of the amendment and its effective date.

Article 10

Notification

10.1 The Administrator and each party shall notify the depositary of their current addresses for the receipt of notices given pursuant to this Treaty, and the depositary shall notify the Administrator and each of the parties of such addresses or any changes thereof. Unless otherwise specified in this Treaty, any notice given in accordance with this Treaty shall be in writing and may be served by hand or sent by telex or, where either method cannot readily be effected, by registered airmail to the address of the party or the Administrator as currently listed with the depositary.

10.2 Delivery by hand shall be effective when made. Delivery by telex shall be deemed to be effective on the business day following the day when the "answer back" appears on the sender's telex machine. Delivery by registered airmail shall be deemed to be effective twenty-one (21) days after posting.

Article 11

Depositary

11. The depositary for this Treaty shall be the Government of Papua New Guinea.

Article 12

Final clauses

12.1 This Treaty shall be open for signature by the Governments of all the Pacific Island States and the Government of the United States of America.[2]

12.2 This Treaty is subject to ratification by the States referred to in paragraph 1 of this Article.[3] The instruments of ratification shall be deposited with the depositary.

12.3 This Treaty shall remain open for accession by States referred to in paragraph 1 of this Article. The instruments of accession shall be deposited with the depositary.

12.4 This Treaty shall enter into force upon receipt by the depositary of instruments of ratification by the Government of the United States and by the Governments of ten Pacific Island States which shall include the Federated States of Micronesia, the Republic of Kiribati and Papua New Guinea.[4]

12.5 This Treaty shall enter into force for any State ratifying or acceding after the entry into force of this Treaty on the thirtieth day after the date on which its instrument of ratification or accession is received by the depositary.

12.6 This Treaty shall cease to have effect at the expiry of one year following the receipt by the depositary of an instrument signifying withdrawal or denunciation by the United States, any of the Pacific Island States named in Article 12.4, or such number of Pacific Island States as would leave fewer than ten such States as parties.

12.7 This Treaty shall cease to have effect for a party at the expiry of the sixth month following the receipt by the depositary of an instrument signifying withdrawal or denunciation by that party, except that where this Treaty would cease to have effect under the last preceding paragraph as the result of the receipt of the said instrument, it shall cease to have effect for that party in the manner provided in the last preceding paragraph.

12.8 Any licence in force pursuant to this Treaty shall not cease to have effect as a result of this Treaty ceasing to have effect either generally or for any party, and Articles 1, 3, 4 and 5 shall be regarded as continuing in force between the United States and the Pacific Island State party in respect of such licence until such licence expires in accordance with its terms.

12.9 No reservations may be made to this Treaty.

12.10 Paragraph 9 of this Article does not preclude a State, when signing, ratifying or acceding to this Treaty, from making declarations or statements, provided that such declarations or statements do not purport to exclude or modify the legal effect of the provisions of this Treaty in their application to that State.

DONE at Port Moresby on the second day of April, 1987

[Signatures not reproduced here.]

ANNEX I

PART 1

INTRODUCTORY

1. In this Annex:

- (a) "applicable national law" means any provision of a law, however described, of a Pacific Island party which governs the fishing activities of foreign fishing vessels, being a law identified in Schedule 1, and which is not inconsistent with the requirements of this Treaty and shall be taken to exclude any provision which imposes a requirement which is also imposed by this Treaty;
- (b) "Closed Area" means an area of a Pacific Island party as described in Schedule 2;
- (c) "Limited Area" means an area described in Schedule 3; and
- (d) "the vessel" means the vessel in respect of which a licence is issued.

2. Schedule 1 may be amended from time to time by the inclusion by any Pacific Island party of any applicable national law and, for the purposes of this Treaty, except as provided in this paragraph, the amendment shall take effect from the date that the amended Schedule has been notified to the Government of the United States. For the purposes of any obligation on the United States pursuant to paragraphs 4 and 5 of Article 4, the amendment shall take effect sixty (60) days from the date that the amended Schedule has been notified to the Government of the United States. The Government of the Pacific Island party shall use its best endeavours to provide advance notice to the Government of the United States of the amendment.

3. Nothing in this Annex and its Schedules, nor acts or activities taking place thereunder, shall constitute recognition of the claims or the positions of any of the parties concerning the legal status and extent of waters and zones claimed by any party. In the claimed waters and zones, the freedoms of navigation and overflight and other uses of the sea related to such freedoms are to be exercised in accordance with international law.

PART 2

COMPLIANCE WITH APPLICABLE NATIONAL LAWS

4. The operator of the vessel shall comply with each of the applicable national laws, and shall be responsible for the compliance by the vessel and its crew with each of the applicable national laws, and the vessel shall be operated in accordance with those laws.

PART 3

PROHIBITIONS

5. The vessel shall not be used for directed fishing for Southern Bluefin Tuna, or for fishing for any kinds of fish other than tunas, except that other kinds of fish may be caught as an incidental by-catch.

6. The vessel shall not be used for fishing by any method, except the purse seine method.

7. The vessel shall not be used for fishing in any Closed Area.

8. Except for circumstances involving force majeure and other emergencies involving the health or safety of crew members or the safety of the vessel, no aircraft may be used in association with the fishing activities of the vessel unless it is identified in item 6 or 7 of Schedule 1 of Annex II.

9. The vessel shall not be used for fishing in any Limited Area except in accordance with the requirements set out in Schedule 3, which are applicable to that Limited Area.

PART 4

REPORTING

10. Information relating to the position of and catch on board the vessel, as described in Part 1 of Schedule 4, shall be provided by telex to the Administrator at the following times:

- (a) before departure from port for the purpose of beginning a fishing trip in the Licensing Area;
- (b) each Wednesday while within the Licensing Area or a Closed Area; and
- (c) before entry into port for the purpose of unloading fish from any trip involving fishing in the Licensing Area.

11. Information relating to the position of and catch on board the vessel, as described in Part 2 of Schedule 4, shall be provided to each Pacific Island party in the manner notified to the Government of the United States by that party as follows:

- (a) at the time of entry into and of departure from waters which are, for any purpose, subject to the jurisdiction of the Pacific Island party;
- (b) at least 24 hours prior to the estimated time of entry into any port of that party; and

(c) as otherwise set out in Part 3 of Schedule 4.

12. At the end of each day that the vessel is in the Licensing Area, an entry or entries for that day shall be completed on the catch report form as set out in Schedule 5, in accordance with the requirements of that form, and such forms shall be posted by registered airmail to the Administrator within fourteen (14) days following the date of the next entry into a port for the purpose of unloading its fish catch.

13. Immediately following the unloading of any fish from the vessel, a report shall be completed in the form set out in Schedule 6 and shall be posted by registered airmail to the Administrator within fourteen (14) days following the date of the completion of that unloading operation, or, in the case of unloading by transshipment, within fourteen (14) days following unloading of that transshipment at the processing site.

PART 5

ENFORCEMENT

14. The master and each member of the crew of the vessel shall immediately comply with every instruction and direction given by an authorised and identified officer of a Pacific Island party, including to stop, to move to a specified location, and to facilitate safe boarding and inspection of the vessel, gear, equipment, records, fish and fish products. Such boarding and inspection shall be conducted as much as possible in a manner so as not to interfere unduly with the lawful operation of the vessel. The operator and each member of the crew shall facilitate and assist in any action by an authorised officer of a Pacific Island party and shall not assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an authorised officer in the performance of his or her duties.

15. The international distress frequency, 2.182 MHz, and 156.8 MHz (Channel 16, VHF) shall be monitored continuously from the vessel for the purpose of facilitating communication with the surveillance and enforcement authorities of the parties.

16. The international radio call sign of the vessel shall be painted in white on a black background, or in black on a white background, in the following manner:

(a) amidships on both sides immediately below the gunwale, and on a horizontal plane on the superstructure, in letters and figures 20 centimetres apart, with each letter and figure being at least one metre high and 50 centimetres wide and with each line at least 12.5 centimetres wide;

(b) if a helicopter is being carried, on the body of the helicopter in a place clearly visible from sea level, in letters and figures five centimetres apart, with each letter and figure being at least 25 centimetres high, 10 centimetres wide and with each line being at least 2.5 centimetres wide; and

(c) on any other equipment being carried by and intended to be separated from the vessel during normal fishing operations, in letters and figures clearly legible to the naked eye;

and at all times while the vessel is within the Licensing Area or a Closed Area, all parts of these markings shall be clear, distinct and uncovered.

17. The licence shall be carried on board the vessel and produced at the request of an authorised enforcement official of any of the parties. Prior to receipt of the licence, the correct citation of the licence number shall satisfy this requirement.

PART 6

OBSERVERS

18. The operator and each member of the crew of the vessel shall allow and assist any person identified as an observer by the Pacific Island parties to:

- (a) board the vessel for scientific, compliance, monitoring and other functions at the point and time notified by the Pacific Island parties to the Government of the United States;
- (b) have full access to and the use of facilities and equipment on board the vessel which the observer may determine is necessary to carry out his or her duties; have full access to the bridge, fish on board and areas which may be used to hold, process, weigh and store fish; remove samples; have full access to the vessel's records, including its log and documentation for the purpose of inspection and copying; and gather any other information relating to fisheries in the Licensing Area; without interfering unduly with the lawful operation of the vessel;
- (c) disembark at the point and time notified by the Pacific Island parties to the Government of the United States; and
- (d) carry out his or her duties safely;

and no operator or crew member of the vessel shall assault, obstruct, resist, delay, refuse boarding to, intimidate or interfere with an observer in the performance of his or her duties.

19. The operator shall provide the observer, while on board the vessel, at no expense to the Pacific Island parties, with food, accommodation and medical facilities of such reasonable standard as may be acceptable to the Pacific Island party whose representative is serving as the observer.

20. Any operator of the vessel from which any fish taken in the Licensing Area is unloaded shall allow, or arrange for, and assist any person authorised for this purpose by the Pacific Island parties to have full access to any place where such fish is unloaded, to remove samples and to gather any other information relating to fisheries in the Licensing Area.

21. An observer programme shall be conducted in accordance with this Treaty and provisions that may be agreed from time to time.

PART 7

MISCELLANEOUS REQUIREMENTS

22. At all times while the vessel is in a Closed Area, the fishing gear of the vessel shall be stowed in such a manner as not to be readily available for fishing. In particular, the boom shall be lowered as far as possible so that the vessel cannot be used for fishing but so that the skiff is accessible for use in emergency situations; the helicopter, if any, shall be tied down; and launches shall be secured.

23. The vessel shall be operated in such a way that the activities of traditional and locally based fishermen and fishing vessels are not disrupted or in any other way adversely affected.

24. Any information required to be recorded, or to be notified, communicated or reported pursuant to a requirement of this Treaty shall be true, complete and correct. Any change in circumstances which has the effect of rendering any such information false, incomplete or misleading shall be notified to the Administrator immediately.

SCHEDULE 1

APPLICABLE NATIONAL LAWS

The following laws and any regulations or other instruments having the force of law which have been implemented pursuant to those laws, as amended at the time this Treaty enters into force, shall be considered as applicable national laws for the purposes of this Treaty.

AUSTRALIA

Antarctic Marine Living Resources Conservation Act, 1981

Continental Shelf (Living Natural Resources) Act, 1968

Continental Shelf (Living Natural Resources) Regulations

Fisheries Act, 1952

Fisheries Regulations

Torres Strait Fisheries Act, 1984

Whale Protection Act, 1980

COOK ISLANDS

Cook Islands Commercial Fishing Regulations, 1951

Exclusive Economic Zone (Foreign Fishing Craft) Regulations, 1979

Fisheries Protection Act, 1976

Fishing Ordinance, 1950

Territorial Sea and Exclusive Economic Zone Act, 1977

FEDERATED STATES OF MICRONESIA

Titles 18 and 24 of the Code of the Federated States of Micronesia, as amended by Public Law Nos. 2-28, 2-31, 3-9, 3-10, 3-34, and 3-80

FIJI

Fisheries Act, 1942

Fisheries Ordinance (Cap 135)

Fisheries Regulations (Cap 135)

Marine Spaces Act, 1978

Marine Spaces (Foreign Fishing Vessels) Regulations, 1979

KIRIBATI

Fisheries Ordinance, 1979

Fisheries (Amendment) Act, 1984

Marine Zones (Declaration) Act, 1983

MARSHALL ISLANDS

Marine Resources Jurisdiction Act, 1978

Marine Zones (Declaration) Act, 1984

NAURU

Interpretation Act, 1971

Interpretation Act, 1975

Marine Resources Act, 1978

NEW ZEALAND

Antarctic Marine Living Resources Act, 1981

Continental Shelf Act, 1964

Exclusive Economic Zone (Foreign Fishing Craft) Regulations, 1978

Fisheries Act, 1983

Marine Mammals Protection Act, 1978

Territorial Sea and Exclusive Economic Zone Act, 1977

Tokelau (Territorial Sea and Exclusive Economic Zone Act), 1977

NIUE

Territorial Sea and Exclusive Economic Zone Act, 1978

PALAU

Palau National Code, Title 27

PAPUA NEW GUINEA

Fisheries Act (Cap 214)

Fisheries Regulations (Cap 214)

Fisheries (Torres Strait Protected Zone) Act, 1984

Tuna Resources Management (National Seas) Act (Cap 224)

Whaling Act (Cap 225)

SOLOMON ISLANDS

Delimitation of Marine Waters Act, 1978

Fisheries Act, 1972

Fisheries Limits Act, 1977

Fisheries Regulations, 1972

Fisheries (Foreign Fishing Vessels) Regulations, 1981

TONGA

Fisheries Protection Act, 1973

Fisheries Regulation Act, 1923

Whaling Industry (Amendment) Act, 1979

TUVALU

Fisheries Act (Cap 45)

Foreign Fishing Vessel Regulations, 1982

Fisheries (Foreign Fishing Vessel) (Amendment) Regulations, 1984

Marine Zones (Declaration) Act, 1983

VANUATU

Fisheries Act, 1982

Fisheries Regulations, 1983

Maritime Zones Act, 1981

WESTERN SAMOA

Exclusive Economic Zone Act, 1977

Fisheries Act, 1988[5]

Territorial Sea Act, 1971

SCHEDULE 2

CLOSED AREAS

AUSTRALIA. All waters within the seaward boundary of the Australian Fishing Zone (AFZ) west of a line connecting the point of intersection of the outer limit of the AFZ by the parallel of latitude 25°30' South with the point of intersection of the meridian of longitude 151° East by the outer limit of the AFZ and all waters south of the parallel of latitude 25° 30' South.

COOK ISLANDS. Territorial Sea.

FEDERATED STATES OF MICRONESIA. Three nautical mile territorial sea and nine nautical mile exclusive fishery zone and on all named banks and reefs as depicted on the following charts:

DMAHTC NO 81019 (2nd. ed., Mar. 1945; revised 7/17/72. corrected through

NM 3/78 of 21 June 1978).

DMAHTC NO 81023 (3rd. ed., 7 Aug. 1976).

DMAHTC NO 81002 (4th. ed., 26 Jan. 1980; corrected through NM 4/80).

FIJI. Internal waters, archipelagic waters and territorial seas of Fiji and Rotuma and its Dependencies.

KIRIBATI. Within archipelagic waters as established in accordance with Marine Zones Declaration Act 1983; within 12 nautical miles drawn from the baselines from which the territorial sea is measured; within 2 nautical miles of any anchored fish aggregating device for which notification of its location shall be given by geographical coordinates.

MARSHALL ISLANDS. 12 nautical mile territorial sea and area within two nautical miles of any anchored fish aggregating device for which notification of its location shall be given by geographical coordinates.

NAURU. The territorial waters as defined by Nauru Interpretation Act, 1971, Section 2.

NEW ZEALAND. Territorial waters; waters within 6 nautical miles of outer boundary of territorial waters; all waters to west of New Zealand main islands and south of 39° South latitude; all waters to east of New Zealand main islands south of 40° South latitude; and in respect of Tokelau: areas within 12 nautical miles of all island and reef baselines; twelve and one half nautical miles either side of a line joining Atafu and Nukunonu and Faka'ofu; and coordinates as follows:

Atafu: 8°35'10"S, 172°29'30"W

Nukunonu: 9°06'25"S, 171°52'10"W

9°11'30"S, 171°47'00"W

Faka'ofu: 9°22'30"S, 171°16'30"W

NIUE. Territorial sea and within 3 nautical miles of Beveridge Reef, Antiope Reef and Haran Reef as depicted by appropriate symbols on NZ 225F (chart showing the territorial sea and exclusive economic zone of Niue pursuant to the Niue Territorial Sea and Exclusive Economic Zone Act of 1978).

PALAU. Within 12 nautical miles of all island baselines in the Palau Islands; within a 50 nautical mile arc measured from the entrance to Malakal Harbour (7°16'44"N, 134°28'18"E) and extending from where the arc intersects the territorial sea limit to the northeast of Babelthuap Island to the 134° East meridian of longitude, southwest of Angaur Island then due north along the 134° East meridian of longitude to the intersection with the territorial sea limit.

PAPUA NEW GUINEA. In addition to its territorial sea and internal waters, within the area bounded by the following parallels and meridians - from latitude 0°30' South to latitude 3°30' South, and from longitude 149° East to longitude 153° East.

SOLOMON ISLANDS. All waters within the fishery limits of the Solomon Islands (including internal waters, territorial sea and archipelagic waters) except that part of the fishery limits east and north of the following lines: commencing at a point 161° East, 4°20' South, then extending due south along 161° to a point 6°30' South, then by a line extending due east to a point 165° East, then by a line due south to a point 8° South, then by a line due east to a point 169°55' East.

TONGA. All waters with depths of not more than 1,000 metres, within the area bounded by the fifteenth and twenty third and one half degrees of south latitudes and the one hundred and seventy third and the one hundred and seventy seventh degrees of west longitudes; also within a radius of twelve nautical miles from the islands of Teleki Tonga and Teleki Tokelau.

TUVALU. Territorial sea and waters within two nautical miles of all named banks, i.e. Macaw, Kosciusko, Rose, Bayonnaise and Hera, in Tuvalu EEZ, as depicted on the chart entitled "Tuvalu Fishery Limits" prepared by the United Kingdom Hydrographic Department, Taunton, January 11, 1981.

VANUATU. Archipelagic waters and the territorial sea, and internal waters.

WESTERN SAMOA. Territorial sea; reefs, banks and areas bounded/enclosed by the following parallels and meridians to the extent such areas are within Western Samoa fisheries jurisdiction:

1. From latitude 12° 58' South to latitude 13° 11.5' South and longitude 174° 5.5' West to longitude 174° 26' West.
2. From latitude 12° 12' South to latitude 12° 38.5' South and longitude 173° 47' West to longitude 174° 25' West.

3. From latitude 13° 7' South to latitude 13° 19' South and longitude 172° 59' West to longitude 173° 38.5' West.

4. From latitude 14° 51' South to latitude 15° 3.4' South and longitude 172° 10.7' West to longitude 172° 19.1' West.

5. From latitude 14° 20.5' South to latitude 14° 28' South and longitude 171° 8' West to longitude 171° 17' West.

and within 2 nautical miles of any anchored fish aggregating device within the EEZ for which notification of its location shall be given by geographical coordinates.

Only the Closed Areas, as described above, of Pacific Island States which are parties to this Treaty shall be applicable under the terms of this Treaty. [Footnote appeared in original text].

SCHEDULE 3

LIMITED AREAS

SOLOMON ISLANDS

1. The Solomon Islands Limited Area is all of the Licensing Area within the fishery limits of Solomon Islands as described in the Fishery Limits Act 1977 of Solomon Islands.

2. "Fishing day" means any day or part of a day of the week in which a vessel is used for fishing in the Solomon Islands Limited Area.

3. There shall be no fishing in the Solomon Islands Limited Area after the expiry of the five hundredth fishing day from the earliest date on which any Licensing Period takes effect in any given year.

SCHEDULE 4

REPORTING DETAILS

PART 1

LICENSING AREA REPORTS TO THE ADMINISTRATOR

(a) Port departure and entry into port for unloading

(1) report type (LBEG for port departure to begin fishing and LFIN for port entry for unloading)

(2) date

(3) call sign

(4) port name

(5) catch on board by species (in short tons)

as: LBEG (or LFIN) / ddmmyy / CALL SIGN / PORT / SJ xxx YF yyy OTH zzz

(b) Weekly reports

(1) report type (WEEK)

(2) date

(3) call sign

(4) position (to one minute of arc)

(5) catch on board by species

as: WEEK / ddmmyy / CALL SIGN / LA 1111 / LO 11111 / SJ xxx YF yyy OTH zzz

PART 2

REPORTS TO NATIONAL AUTHORITIES

(a) Zone entry and exit

(1) report type (ZENT for entry and ZEXT for exit)

(2) date

(3) call sign

(4) position (to one minute of arc)

(5) catch on board by species

as: ZENT (or ZEXT) / ddmmyy / CALL SIGN / TIME / LA 1111 / LO 11111 / SJ xxx YF yyy OTH
zzz

(b) Port entry reports

(1) report type (PENT)

(2) date

(3) call sign

(4) estimated time of entry into port (GMT)

(5) port name

as: PENT / ddmmyy / CALL SIGN / TIME / PORT NAME

PART 3

OTHER NATIONAL REPORTING REQUIREMENTS

1. Australia

- (a) Report of position each two days while within the Australian Fishing Zone;
- (b) 24 hours notice of intention to enter the Australian Fishing Zone; and
- (c) Report of catch by species every six days while within the Australian Fishing Zone.

2. Fiji

- (a) While in Fiji fisheries waters, daily position reporting of the name, call sign, and country of registration of the craft, and its position at that specified time; and
- (b) While in Fiji fisheries waters, weekly report of catch by species.

3. Kiribati

While in the Kiribati exclusive economic zone, report on entry into or exit from Closed Areas.

4. New Zealand

- (a) While in the New Zealand exclusive economic zone, notification of daily noon positions, to be received no later than noon on the following day;

(b) Notice of catch on board the vessel at the time of entry into the New Zealand exclusive economic zone;

(c) A weekly report of catch taken in the New Zealand exclusive economic zone to cover the period 0001 hours on a Monday to 2400 hours on the following Sunday and to be received by noon on the following Tuesday; and

(d) 24 hours notice of intention to enter the New Zealand exclusive economic zone.

5. Solomon Islands

Report on:

(a) Expected vessel position, date and time of entry at least 24 hours before entry into the Solomon Islands Fishery Limits;

(b) Entry to or exit from Solomon Islands Limited Area together with the catch on board by weight and volume; and

(c) A weekly report of catch taken and fishing days in the Solomon Islands exclusive economic zone to cover the period 0001 hours on a Monday to 2400 hours on the following Sunday and to be received by noon on the following Tuesday.

6. Tonga

While in the Tonga exclusive economic zone, daily position report by radio or telex.

7. Tuvalu

(a) Report not less than 24 hours before entry into the Tuvalu fishery limits on:

(i) the name, call sign and country of registration of the vessel;

(ii) the licence number;

(iii) position on entry; and

(iv) catch by species.

SCHEDULE 5

PURSE SEINE VESSEL CATCH REPORT FORM

[See end of file for copy]

SCHEDULE 6

PURSE SEINE UNLOADING LOGSHEET

[See end of file for copy]

ANNEX II

1. For the purposes of this Annex:

(a) "Licensing Period" means the period of validity of licences issued in accordance with this Treaty.

2. The Government of the United States shall make application for a licence in respect of any fishing vessel of the United States intended by the operator to be used for purse seine fishing in the Licensing Area at any time in the Licensing Period by providing to the Administrator a complete application form as set out in Schedule 1.

3. Licences issued pursuant to this Treaty shall not take effect until the Administrator has received payment, free of any charges whatsoever, of the amounts set out in Part 1 of Schedule 2 for that Licensing Period in the manner described in that Schedule. Other financial commitments shall be provided during the Licensing Period pursuant to Part 2 of Schedule 2.

4. Subject to paragraph 5, a licence may be denied:

(a) where the application is not in accordance with the requirements of paragraph 2;

(b) where the owner or charterer is the subject of proceedings under the bankruptcy laws of the United States, unless reasonable financial assurances have been provided to the Administrator;

(c) where the vessel in respect of which application for a licence has been made does not have good standing on the Regional Register of Foreign Fishing Vessels, maintained by the South Pacific Forum Fisheries Agency, provided that:

(i) good standing is withdrawn only as a result of:

(A) the commission of a serious offence against fisheries laws or regulations of a Pacific Island State and the operator has not fully complied with any civil or criminal judgment rendered with respect to such an offence;

(B) evidence existing that gives reasonable cause to believe that the operator has committed a serious offence against the fisheries laws or regulations of any Pacific Island State and that it has not been possible to bring the vessel operator to trial; or

(C) the vessel operator has failed to comply with information requirements for registration as notified by the Administrator to the Government of the United States;

(ii) the Pacific Island party requesting withdrawal of good standing has first consulted the Government of the United States and has made all reasonable efforts to resolve the dispute in question before utilizing the procedures for withdrawal of good standing;

(iii) in the event of a request for withdrawal of good standing from the Regional Register of Foreign Fishing Vessels of a vessel licensed pursuant to this Treaty, the Pacific Island parties agree to take into consideration that vessel's compliance with the terms of this Treaty in determining whether to approve such a request; and

(iv) following a withdrawal of good standing the Pacific Island party involved promptly advises the Government of the United States in writing of the reason for the withdrawal and the requirements which must be fulfilled to reinstate good standing;

(d) where there has been a failure to satisfy a final judgment or other final determination for a breach of this Treaty by the owner, charterer or master of the vessel in respect of which application for a licence has been made, until such time as the final judgment or other final determination is satisfied, and subsequent change in ownership of a vessel shall not affect the application of this provision; or

(e) where an operator has committed, or the vessel has been used for:

(i) a violation of this Treaty, providing that the Pacific Island parties, following consultation with the Government of the United States, determine that the violation is of a serious nature; or

(ii) any violation of this Treaty on more than one occasion, providing that the Pacific Island parties, following consultation with the Government of the United States, determine that such multiple violations constitute a serious disregard of this Treaty.

5. A maximum number of licences may be issued for any Licensing Period as set out in Schedule 2, and, upon request by the Government of the United States, the Pacific Island parties may agree to vary such number.

6. On receipt of an application for a licence in accordance with this Annex, the Administrator shall take the necessary steps to ensure that:

(a) a licence in the form set out in Schedule 3 in respect of the vessel identified in the application; or

(b) a statement setting out the reasons that a licence in respect of the vessel identified in the application is denied together with a refund of the amount or amounts provided with the application; is promptly provided to the Government of the United States.

SCHEDULE 1

TREATY ON FISHERIES BETWEEN THE GOVERNMENTS OF CERTAIN PACIFIC ISLAND STATES AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA APPLICATION FORM

Application is hereby made for a licence authorising the use of the vessel named in this application for fishing in the Licensing Area.

1. FULL NAME OF VESSEL:
2. RADIO CALL SIGN OF VESSEL:
3. REGIONAL REGISTER NUMBER OF VESSEL:
4. FULL NAME AND ADDRESS OF EACH PERSON WHO IS AN OPERATOR OF THE VESSEL, AND STATE WHETHER OWNER, CHARTERER, MASTER OR OTHER. IF OTHER, SPECIFY DETAILS:
5. FULL NAME AND ADDRESS OF INSURER FOR PURPOSES OF ARTICLE 4.3(a) OF THE TREATY:
6. REGISTRATION NUMBER AND MAKE OF HELICOPTER, IF ANY, TO BE CARRIED ON VESSEL:
7. REGISTRATION NUMBER AND MAKE OF ANY AIRCRAFT TO BE USED IN ASSOCIATION WITH FISHING ACTIVITIES AND NAME AND ADDRESS OF OPERATOR:
8. STATE WHETHER OWNER OR CHARTERER IS THE SUBJECT OF PROCEEDINGS UNDER THE BANKRUPTCY LAWS OF THE UNITED STATES:
9. STATE WHETHER OPERATOR OR VESSEL HAS BEEN INVOLVED IN A VIOLATION OF THIS TREATY. IF YES, SPECIFY DETAILS:

Date of application Director of the Southwest Region National
Marine Fisheries Service National Oceanic and Atmospheric Administration

SCHEDULE 2

PAYMENTS

The following amounts are payable annually for a period of five (5) years pursuant to paragraph 3 of Annex II.

PART 1

1. The amounts payable as set forth in this paragraph.
 - (a) Annual industry payments shall be made as follows:
 - (i) for the first annual Licensing Period, a lump sum of US\$1.75 million for 35 vessels, with the next five licences to be made available for the same pro-rata payment as the first 35 licences, and an additional 10 licences to be made available at US\$60,000 per vessel;
 - (ii) for subsequent annual Licensing Periods, 40 vessel licences calculated on the same basis as the first 40 vessel licences in sub-paragraph (i) and indexed to the price of fish as set forth below, with 10 additional licences to be made available at US\$60,000 per vessel and indexed to the price of fish as set

forth below.

(b) The indexation shall be applied as follows:

(i) Definitions

A. Base Vessel Payment: The Base Vessel Payment is US\$50,000 for the first 40 vessels to be licensed and US\$60,000 for vessels to be licensed in excess of 40 vessels.

B. Adjusted Individual Vessel Payment: The Adjusted Individual Vessel Payment is the individual vessel payment of each annual Licensing Period after the first annual Licensing Period. The Adjusted Individual Vessel Payment will always apply to the Licensing Period immediately following its calculation.

C. Landed Price: The Landed Price is the published standard price per ton (American Tuna Sales Association) for fish delivered to American Samoa prevailing at the time a United States purse seine vessel arrives in port for the purpose of offloading its catch.

D. Average Landed Price: The Average Landed Price is calculated by averaging the established landed price categories for yellowfin and skipjack tuna in American Samoa. The landed price categories to be used are: over 7.5 pounds, 4 to 7.5 pounds and 3 to 4 pounds for skipjack; over 20 pounds, 7.5 to 20 pounds and 4 to 7.5 pounds for yellowfin.

E. Base Price: The Base Price is the Average Landed Price for the three months prior to the Treaty entering into force.

F. Estimated Landed Value: The Estimated Landed Value is the Average Landed Price in effect at the time of a vessel's landing weighted by the yellowfin/skipjack mix ratio to be calculated from information on Schedule 6 for that vessel.

G. Average Estimated Landed Value: The Average Estimated Landed Value is the Estimated Landed Value for all landings by United States purse seine vessels in American Samoa in the four quarters preceding the final quarter of the applicable Licensing Period divided by the total number of those landings for the same period.

(ii) Calculation and application of indexing factor

A. To obtain the indexing factor by which the Adjusted Individual Vessel Payment shall be calculated, divide the Average Estimated Landed Value for the preceding four quarters by the Base Price.

B. To obtain the Adjusted Individual Vessel Payment, multiply the Base Vessel Payment by the indexing factor obtained in Paragraph (ii)A.

C. In no case shall the Adjusted Individual Vessel Payment be less than the Base Vessel Payment.

(iii) Notifications

The established prices and any changes shall be supplied to the Administrator by the Government of the United States within ten (10) days of their publication. The Administrator shall notify the Government of the United States sixty (60) days before the start of each Licensing Period of the Adjusted Individual Vessel Payment along with the computation used to arrive at the Adjusted Individual Vessel Payment. The Adjusted Individual Vessel Payment shall become final thirty (30) days after receipt by the Government of the United States, unless the Government of the United States advises the Administrator otherwise, in which case consultations shall be held.

(iv) Consultations

If the established price categories are revised, or if there is a change in the tuna industry structure which makes the price calculations as set forth above inappropriate, the Administrator may consult with representatives of the Government of the United States as necessary to revise the formula.

(c) There shall be no pro-ration of the Base Vessel Payment or the Adjusted Individual Vessel Payment. There shall be no refunds of the Base Vessel Payment or the Adjusted Individual Vessel Payment following licence issuance pursuant to Annex II.

2. Sums payable pursuant to the related Agreement between the South Pacific Forum Fisheries Agency and the Government of the United States.

PART 2

3. Technical assistance, including provision of assistance by technicians, by the United States tuna industry valued at US\$250,000 annually in response to requests co-ordinated through the Administrator.

SCHEDULE 3

TREATY ON FISHERIES BETWEEN THE GOVERNMENTS OF CERTAIN PACIFIC ISLAND STATES AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA

LICENCE FORM

The vessel described in this licence is hereby authorised to engage in fishing in the Licensing Area for the period described in this licence, in accordance with the terms and conditions referred to in Annex I.

FULL NAME OF VESSEL:

RADIO CALL SIGN OF VESSEL:

REGIONAL REGISTER NUMBER OF VESSEL:

HELICOPTER OR OTHER AIRCRAFT WHICH MAY BE USED IN ASSOCIATION WITH THE FISHING ACTIVITIES OF THE VESSEL:

PERIOD OF VALIDITY:

The period of validity of this licence shall be no longer than one year:

FROM , 19

TO , 19

FOR AND ON BEHALF OF THE PACIFIC ISLAND PARTIES

DATE OF ISSUE:

LICENCE NUMBER:

WARNING: IT IS AN OFFENCE AGAINST THE LAWS OF MANY NATIONS, INCLUDING THE UNITED STATES OF AMERICA, TO VIOLATE THE REQUIREMENTS OF ANNEX I. PENALTIES MAY INCLUDE SUBSTANTIAL FINES AND VESSEL FORFEITURE.

AGREED STATEMENT ON OBSERVER PROGRAMME

Representatives of the Governments of the Pacific Island States and the Government of the United States of America have agreed on provisions relating to observers in Annex I, Part 6 of the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America.

The Representatives recognise that the provision for an observer programme is necessary to implement and achieve the objectives of the Treaty.

The Representatives also acknowledge the desirability of providing appropriate administrative measures

pursuant to Annex I, Part 6 of the Treaty.

Therefore, the representatives agree as follows:

- (a) observer operations would be based on the placement of observers at ports of trip origin for complete trips unless otherwise agreed at the outset of the trip;
- (b) the United States Government would be notified of observer placements by an Observer Coordinator nominated by the Pacific Island parties;
- (c) The Pacific Island parties would use their best endeavours to ensure that a reasonable period of notice was given, which should, wherever practicable, be at least fourteen (14) days;
- (d) the United States Government would use its best endeavours to ensure that the Observer Coordinator is kept informed of the expected pattern of port departures and of the planned fishing activities of departing vessels;
- (e) the United States Government would facilitate the placing of observers including the provision of visas;
- (f) the United States Government would notify the Observer Coordinator of any difficulties involving the discharge of the duties of observers; and
- (g) that it is anticipated observers will use the same range of equipment used by United States observers; and there will be a training program in the use of equipment, but crew will also be expected to assist observers in the use of equipment.

DONE at Port Moresby on the second day of April, 1987

[Signatures not reproduced here.]

[1][ATS 1979 No. 16](#)

[2] Signed for Australia 2 April 1987.

[3] Instrument of ratification deposited for Australia 18 May 1987.

[4] The Treaty entered into force 15 June 1988.

[5] Formerly Fisheries Protection Act, 1972. Amended, in accordance with paragraph 2 of Annex I, by notification to the Government of the United States of America by the Government of Western Samoa.

REGISTRATION _____ LICENSE/PERMIT NUMBER _____
 BOAT NUMBER _____ NAME OF CAPTAIN _____
 ISSUED BOATAGE _____ LICENSE/PERMIT _____
 1 FISH CARRIER (S) _____ HOLDER'S SIGNATURE _____
 FIRST -SENER _____ YEAR _____ MONTH _____

REPAIRING FROM PORT _____ DATE _____
 ARRIVAL AT PORT _____ DATE _____

[illegible]

NUMERICAL EXPRESSION OF
SCHOOL TYPE, COMMENTS, AND
REASON FOR DISCARD

SCIENCE 1951

- | | |
|---|----------|
| 1 | Low |
| 2 | Surface |
| 3 | Whale |
| 4 | Porpoise |
| 5 | Raft |
| 6 | Other |

COMMENTS

- 1 A full day in transit between fishing grounds, or to or from fishing grounds.
- 2 A full day not fishing due to breakdown.
- 3 A full day not fishing due to bad weather.
- 4 A full day searching for fish but no sets made.
- 5 Part of day searching for fish but no sets made.
- 6 Set unsuccessful for any reason, e.g., fish dive, roll up.

REACH FOR DISCARD

- 1 Undesirable species
2 Fish too small
3 Vessel completely loaded
4 Other reason - please specify

SCHEDULE 6

PURSE SEINE UNLOADING LOGSHEET

VESSEL NAME _____ RADIO CALL SIGN OR
REGIONAL REGISTER NO. _____

(1) PORT _____

OR, IF AT SEA, POSITION: LAT _____ LONG _____

(2) DATES

(a) AT UNLOADING POINT

ARRIVAL _____ DEPARTURE _____

(b) AT UNLOADING

COHMECEMENT _____ CORPLETION _____

(3) PARTIAL OR COMPLETE UNLOADING _____

(4) UNLOADING TO _____

(5)

(a) CARRIER VESSEL NAME _____

And RADIO CALL SIGN OR REGIONAL REGISTER NO. _____

or

(b) NAME AND ADDRESS OF COMPANY ACCEPTING FISH _____

(6) DESTINATION OF FISH _____

(7) QUANTITY UNLOADED

YELLOWFIN SKIPJACK BIGEYE MARLIN OTHER UNIT OF
MEASUREMENT

ACCEPTED _____

REJECTED _____

SIGNATURES

VESSEL MASTER

RECEIVING AGENT

16 U.S.C.

Sec. 973g. Licenses

- ! (a) Issuance; establishment of procedures; designation of agent for service of legal process in license application; reception and response to process Licenses to fish in the Licensing Area, to be issued by the Administrator in accordance with the Treaty, may be requested from the Secretary by operators of vessels, under procedures established by the Secretary. The license application shall designate an agent for the service of legal process to be located in Port Moresby, Papua New Guinea. The applicant shall ensure that the designated agent for service of process, acting on behalf of the license holder, will receive and respond to any legal process issued in accordance with the Treaty and will, within 21 days after notification, travel if necessary for this purpose to any Pacific Island Party at no expense to that Party.
- ! (b) Forwarding and transmittal of vessel license application
Except as provided in subsections (e), (f), and (g) of this section, the Secretary shall forward a vessel license application to the Secretary of State for transmittal to the Administrator whenever such application is in accordance with application procedures established by the Secretary, includes a complete application form as required by Annex II of the Treaty, and is accompanied by the required license fee.
- ! (c) Fees and fee schedules
 - (1) In the initial year of implementation, fees for the first 40 vessel licenses shall be at least \$50,000 each, for any 10 vessel licenses in addition to the first 40 shall be \$60,000 each, and for vessel licenses in addition to the first 50 shall be in accordance with Annex II of the Treaty.
 - (2) After such initial year, fees for vessel licenses shall be paid in accordance with fee schedules established under Annex II of the Treaty and published by the Secretary.
- ! (d) Period of validity
Licenses shall be valid for the licensing period specified by the Administrator.
- ! (e) Allocation system
The Secretary may establish a system of allocating licenses in the event more applications are received than there are licenses available.
- ! (f) Minimum fees required to be received in initial year of implementation for forwarding and transmittal of license applications
For the initial year of implementation, license fees totaling at least \$1,750,000 must be received by the Secretary before any license applications will be forwarded to the Secretary of State for transmittal to the Administrator.
- ! (g) Grounds for denial of forwarding of license application
The Secretary, in consultation with the Secretary of State, may determine that a license application should not be forwarded to the Administrator for one of the following reasons:
 - (1) where the application is not in accordance with the Treaty or the procedures established by the Secretary;

- ☐ (2) where the owner or charterer is the subject of proceedings under the bankruptcy laws of the United States, unless reasonable financial assurances have been provided to the Secretary;
 - ☐ (3) where the owner or charterer has not established to the satisfaction of the Secretary that the fishing vessel is fully insured against all risks and liabilities normally provided in maritime liability insurance;
 - ☐ (4) where the owner or charterer has not paid any penalty which has become final, assessed by the Secretary in accordance with this chapter.
- ! (h) Grandfathering of vessels documented before November 3, 1995
- Notwithstanding the requirements of -
- ☐ (1) section [12108](#) of title 46;
 - ☐ (2) the general permit issued on December 1, 1980, to the American Tunaboat Association under section [1374](#)(h)(1) of this title; and
 - (3) sections [1374](#)(h)(2) and 1416(a) of this title - (FOOTNOTE 1)
-

Footnotes

[1] So in original. The dash probably should be a semicolon. any vessel documented under the laws of the United States as of November 3, 1995, for which a license has been issued under subsection (a) of this section may fish for tuna in the Treaty Area, including those waters subject to the jurisdiction of the United States in accordance with international law, subject to the provisions of the treaty ^[2] and this chapter, provided that no such vessel fishing in the Treaty Area intentionally deploys a purse seine net to encircle any dolphin or other marine mammal in the course of fishing under the provisions of the Treaty or this chapter.

[2] So in original. Probably should be capitalized.

Sec. 973j. Reporting requirements; disclosure of information

- ! (a) Holders of licenses shall comply with the reporting requirements of part 4 of Annex I to the Treaty.
- ! (b) Information provided by license holders in Schedules 5 and 6 of Annex I of the Treaty shall be provided to the Secretary for transmittal to the Administrator and to an entity designated by the license holder. Such information thereafter shall not be released and shall be maintained as confidential by the Secretary, including information requested under the Freedom of Information Act (5 U.S.C. 552), unless disclosure is required under court order or unless the information is essential for an enforcement action under section [973c](#), [973h](#)(b), [973h](#)(c), or 973i of this title, or any other proper law enforcement action.

§ 300.29

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(a) Land any species of tuna during the closed season for that species in excess of the amount allowed by the Regional Administrator.

(b) Fish on floating objects in the Convention Area using any gear type specified by the Regional Administrator's notification of closure issued under § 300.29.

(c) Use tender vessels in the Convention Area.

(d) Transship purse seine-caught tuna at sea within the Convention Area.

(e) Import Pacific bluefin tuna or purchase or receive for export Pacific bluefin tuna first landed in the United States without a valid dealer permit issued under § 300.24.

(f) Remove any NMFS-issued numbered tag affixed to any Pacific bluefin tuna at the option of any permitted dealer or any tag affixed to a Pacific bluefin tuna to meet the requirements of § 635.42(a)(2) of this title, before removal is allowed under § 300.26, or fail to write the tag number on the shipping package or container as specified in § 300.26.

(g) Reuse any NMFS-issued numbered tag affixed to a Pacific bluefin tuna at the option of a permitted dealer or any tag affixed to a Pacific bluefin tuna to meet the requirements of § 635.42(a)(2) of this title or reuse any tag number previously written on a shipping package or container as prescribed by § 300.26.

[61 FR 35550, July 5, 1996, as amended at 64 FR 29133, May 28, 1999; 64 FR 44430, Aug. 16, 1999]

§ 300.29 Eastern Pacific fisheries management.

(a) *Notification of IATTC recommendations.* The Regional Administrator will directly notify owners or agents of U.S. tuna vessels of any fishery management recommendations made by the IATTC and approved by the Department of State that will affect fishing or other activities by U.S. parties with fishery interests in the Convention Area. As soon as practicable after such notification, the Regional Administrator will announce approved IATTC recommendations in the FEDERAL REGISTER.

(b) *Tuna quotas.* (1) Fishing seasons for all tuna species begin on January 1

and end either on December 31 or when NMFS closes the fishery for a specific species.

(2) The Regional Administrator may close the U.S. fishery for yellowfin, bigeye, or skipjack tuna or any other tuna species in the Convention Area or portion of the Convention Area when advised by the Director of Investigations of the IATTC that the associated quota has been or is projected to be reached. Any such closure may include:

(i) An allowance for an incidental catch that may be landed while fishing for other tuna species;

(ii) A prohibition on the further setting of specified gear types on floating objects by U.S. vessels in the Convention Area;

(iii) Provisions for vessels that are at sea during an announced closure to fish unrestricted until the fishing trip is completed;

(iv) Provisions for vessels at sea with an observer on board during any closure to land fish unrestricted if the landing occurs after December 31; or

(v) Other measures to ensure that the conservation and management measures of the IATTC are achieved.

(3) The Regional Administrator will announce any such closures directly to the owners or agents of U.S. vessels who are fishing in or are eligible to fish in the Convention Area.

(4) As soon as practicable after being advised of the quota attainment or projection under paragraph (b)(2) of this section, the Regional Administrator will publish an announcement of the closure in the FEDERAL REGISTER.

(c) *Use of tender vessels.* No person subject to these regulations may use a tender vessel in the Convention Area.

(d) *Transshipments at sea.* No person subject to these regulations may transship purse seine-caught tuna from one vessel to another vessel at sea within the Convention Area.

[64 FR 44431, Aug. 16, 1999]

Subpart D—South Pacific Tuna Fisheries

AUTHORITY: 16 U.S.C. 973–973r.

Int'l. Fishing and Related Activities

§ 300.32

§ 300.30 Purpose and scope.

This subpart implements the South Pacific Tuna Act of 1988 (Act) and the Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States of America (Treaty) and applies to persons and vessels subject to the jurisdiction of the United States.

§ 300.31 Definitions.

In addition to the terms defined in § 300.2, in the Act, and in the Treaty, and unless the context requires otherwise, the terms used in this subpart have the following meanings. If a term is defined differently in § 300.2, the Act, or the Treaty, the definition in this section shall apply.

Administrator means the individual or organization designated by the Pacific Island Parties to act on their behalf under the Treaty and notified to the United States.

Applicable national law means any provision of law of a Pacific Island Party that is described in paragraph 1(a) of Annex I of the Treaty.

Authorized inspector means any individual authorized by a Pacific Island Party or the Secretary to conduct inspections, to remove samples of fish, and to gather any other information relating to fisheries in the Licensing Area.

Authorized officer means any officer who is authorized by the Secretary, or the Secretary of Transportation, or the head of any Federal or state agency that has entered into an enforcement agreement with the Secretary under section 10(a) of the Act.

Authorized party officer means any officer authorized by a Pacific Island Party to enforce the provisions of the Treaty.

Closed area means any of the closed areas identified in Schedule 2 of Annex I of the Treaty.

Fishing means searching for, catching, taking, or harvesting fish; attempting to search for, catch, take, or harvest fish; engaging in any other activity that can reasonably be expected to result in the locating, catching, taking, or harvesting of fish; placing, searching for, or recovering fish aggregating devices or associated electronic

equipment such as radio beacons; any operations at sea directly in support of, or in preparation for, any activity described in this paragraph; or aircraft use, relating to the activities described in this definition, except for flights in emergencies involving the health or safety of crew members or the safety of a vessel.

Fishing arrangement means an arrangement between a Pacific Island Party and the owner of a U.S. fishing vessel that complies with section 6(b) of the Act.

Fishing vessel or *vessel* means any boat, ship, or other craft that is used for, equipped to be used for, or of a type normally used for commercial fishing, and that is documented under the laws of the United States.

Licensing Area means all waters in the Treaty Area except for:

(1) Those waters subject to the jurisdiction of the United States in accordance with international law.

(2) Those waters within closed areas.

(3) Those waters within limited areas closed to fishing.

Licensing period means the period of validity of licenses issued in accordance with the Treaty.

Limited area(s) means those areas so identified in Schedule 3 of Annex I of the Treaty.

Operator means any person who is in charge of, directs or controls a vessel, including the owner, charterer and master.

Pacific Island Party means a Pacific island nation that is a party to the Treaty.

Regional Administrator means the Director, Southwest Region, or a designee.

Transship means to unload any or all of the fish on board a licensed vessel either ashore or onto another vessel.

Treaty Area means the area described in paragraph 1(k) of Article I of the Treaty.

§ 300.32 Vessel licenses.

(a) Each vessel fishing in the Licensing Area must have a license issued by the Administrator for the licensing period being fished, unless excepted by § 300.39. Each licensing period begins on June 15 and ends on June 14 of the following year.

(b) Upon receipt, the license or a duly certified copy, facsimile or telex confirmation must be carried on board the vessel when in the Licensing Area or Closed Areas and must be produced at the request of authorized officers, authorized party officers, or authorized inspectors. Prior to receipt of the license, but after issuance, a vessel may be used to fish, provided the number of the issued license is available on board.

(c) Application forms for licenses to use a vessel to fish in the Licensing Area may be requested from, and upon completion, must be returned to, the Regional Administrator. All of the information requested on the form and the following must be supplied before the application will be considered complete:

(1) The licensing period for which the license is requested.

(2) The name of an agent, located in Port Moresby, Papua New Guinea, who, on behalf of the license holder, will receive and respond to any legal process issued in accordance with the Treaty.

(3) Documentation from an insurance company showing that the vessel will be fully insured for the licensing period against all risks and liabilities normally covered by maritime liability insurance.

(4) If the owner or charterer is the subject of proceedings under the bankruptcy laws of the United States, reasonable assurances that the owner of charterer will be financially able to fulfill any and all responsibilities under the Treaty, Act, and regulations, including the payment of any penalties or fines.

(5) A copy of the vessel's USCG Certificate of Documentation.

(d) The number of available licenses are set forth in Schedule 2 of Annex II of the Treaty.

(e) Applications for vessels may be submitted at any time; complete applications will be forwarded to the Secretary of State for transmittal to the Administrator.

(f) The Secretary, in consultation with the Secretary of State, may determine that a license application for a vessel should not be forwarded to the Administrator if:

(1) The application is not in accord with the Treaty, Act, or regulations;

(2) The owner or charterer is the subject of proceedings under the bankruptcy laws of the United States, and reasonable financial assurances have not been provided to the Secretary that the owner or charterer will be financially able to fulfill any and all responsibilities under the Treaty, Act, and regulations, including the payment of any penalties or fines;

(3) The owner or charterer has not established to the satisfaction of the Secretary that the vessel will be fully insured for the licensing period against all risks and liabilities normally covered by maritime liability insurance; or

(4) The owner or charterer has not paid any final penalty assessed by the Secretary in accordance with the Act.

(g) An applicant will be promptly notified if that applicant's license application will not be forwarded to the Administrator, and of the reasons therefor. Within 15 days of notification by the Regional Administrator that the application will not be forwarded, an applicant may request reconsideration by providing a petition for reconsideration accompanied by new or additional information.

§ 300.33 Compliance with applicable national laws.

The operator of the vessel shall comply with each of the applicable national laws, and the operator of the vessel shall be responsible for the compliance by the vessel and its crew with each of the applicable national laws, and the vessel shall be operated in accordance with those laws.

§ 300.34 Reporting requirements.

(a) License holders shall comply with the reporting requirements of parts 4 and 5 of Annex I to the Treaty.

(b) Information provided by license holders under Schedule 5 of Annex I of the Treaty shall be provided on the designated Forum Fisheries Agency form(s) to the Regional Administrator within 2 days of reaching port.

(c) Information provided by license holders under Schedule 6 of Annex I of the Treaty shall be provided on the designated Forum Fisheries Agency form(s) to the Regional Administrator within 2 days of completing unloading.

Int'l. Fishing and Related Activities

§ 300.38

(d) Any information required to be recorded, or to be notified, communicated or reported pursuant to a requirement of these regulations, the Act, or the Treaty shall be true, complete and correct. Any change in circumstances that has the effect of rendering any of the information provided false, incomplete or misleading shall be communicated immediately to the Regional Administrator.

§ 300.35 Vessel and gear identification.

While a vessel is in the Licensing Area, a Limited Area closed to fishing, or a Closed Area, a recent and up-to-date copy of the International Code of Signals (INTERCO) shall be on board and accessible at all times. The operator shall comply with the 1989 Food and Agricultural Organization standard specifications for the marking and identification of fishing vessels. The international radio call sign of the vessel shall be painted in white on a black background, or in black on a white background, and be clear, distinct, and uncovered, in the following manner:

(a) On both sides of the vessel's hull or superstructure, with each letter and number being at least 1 m high and having a stroke width of 16.7 cm, with the background extending to provide a border around the mark of not less than 16.7 cm.

(b) On the vessel's deck, on the body of any helicopter and on the hull of any skiff, with each letter and number being at least 30 cm high, and having a stroke width of 5 cm with the background extending to provide a border around the mark of not less than 5 cm.

(c) On any other equipment being carried by and intended to be separated from the vessel during normal fishing operations, with each letter and number being at least 10 cm high and having a stroke width of 1.7 cm, with the background extending to provide a border around the mark of not less than 1.7 cm.

§ 300.36 Closed area stowage requirements.

At all times while a vessel is in a Closed Area, the fishing gear of the vessel shall be stowed in a manner as not to be readily available for fishing. In particular, the boom shall be low-

ered as far as possible so that the vessel cannot be used for fishing, but so that the skiff is accessible for use in emergency situations; the helicopter, if any shall be tied down; and launches shall be secured.

§ 300.37 Radio monitoring.

The international distress frequency, 2.182 MHz, and 156.8 MHz (Channel 16, VHF) shall be monitored continuously from the vessel for the purpose of facilitating communication with the fisheries management, surveillance and enforcement authorities of the Parties.

§ 300.38 Prohibitions.

(a) Except as provided for in § 300.39, in addition to the prohibitions in § 300.4, it is unlawful for any person subject to the jurisdiction of the United States to do any of the following:

(1) To violate the Act or any provision of any regulation or order issued pursuant to Act.

(2) To use a vessel for fishing in violation of an applicable national law.

(3) To violate the terms and conditions of any fishing arrangement to which that person is a party.

(4) To use a vessel for fishing in a Limited Area in violation of the requirements set forth in Schedule 3 of Annex I of the Treaty on "Limited Areas".

(5) To use a vessel for fishing in any Closed Area.

(6) To refuse to permit any authorized officer or authorized party officer to board a fishing vessel for purpose of conducting a search or inspection in connection with the enforcement of the Act or the Treaty.

(7) To refuse to comply with the instructions of an authorized officer or authorized party officer relating to fishing activities under the Treaty.

(8) To refuse to permit an authorized inspector full access to any place where fish taken in the Licensing Area is unloaded.

(9) To refuse to allow an authorized inspector to remove samples of fish from a vessel that fished in the Licensing Area.

(10) To forcibly assault, resist, oppose, impede, intimidate, or interfere with:

§ 300.39

(i) Any authorized officer, authorized party officer or authorized inspector in the conduct of a search or inspection in connection with the enforcement of these regulations, the Act or the Treaty; or

(ii) An observer in the conduct of observer duties under the Treaty.

(11) To transship fish on board a vessel that fished in the Licensing Area, except in accordance with the conditions set out in parts 3 and 4 of Annex I to the Treaty.

(b) Except as provided for in § 300.39, it is unlawful for any person subject to the jurisdiction of the United States when in the Licensing Area:

(1) To use a vessel to fish unless validly licensed as required by the Administrator.

(2) To use a vessel for directed fishing for southern bluefin tuna or for fishing for any kinds of fish other than tunas, except that fish may be caught as a incidental bycatch.

(3) To use a vessel for fishing by any method, except the purse-seine method.

(4) To use any vessel to engage in fishing after the revocation of its license, or during the period of suspension of an applicable license.

(5) To operate a vessel in such a way as to disrupt or in any other way adversely affect the activities of traditional and locally based fishermen and fishing vessels.

(6) To use a vessel to fish in a manner inconsistent with an order issued by the Secretary under § 300.42 (section 11 of the Act).

(7) Except for circumstances involving force majeure and other emergencies involving the health or safety of crew members or the safety of the vessel, to use aircraft in association with fishing activities of a vessel, unless it is identified on the license application for the vessel, or any amendment thereto.

§ 300.39 Exceptions.

(a) The prohibitions of § 300.38 and the licensing requirements of § 300.32 do not apply to fishing for albacore tuna by vessels using the trolling method outside of the 200 nautical mile fisheries zones of the Pacific Island Parties.

(b) The prohibitions of § 300.38(a)(4), (a)(5), and (b)(3) do not apply to fishing

50 CFR Ch. III (10–1–00 Edition)

under the terms and conditions of a fishing arrangement.

§ 300.40 Civil penalties.

The procedures of 15 CFR part 904 apply to the assessment of civil penalties, except as modified by the requirements of section 8 of the Act.

§ 300.41 Investigation notification.

Upon commencement of an investigation under section 10(b)(1) of the Act, the operator of any vessel concerned shall have 30 days after receipt of notification of the investigation and the operator's rights under section 10(b)(1) to submit comments, information, or evidence bearing on the investigation, and to request in writing that the Secretary provide the operator an opportunity to present the comments, information, or evidence orally to the Secretary or the Secretary's representative.

§ 300.42 Findings leading to removal from fishing area.

(a) Following an investigation conducted under section 10(b) of the Act, the Secretary, with the concurrence of the Secretary of State, and upon the request of the Pacific Island Party concerned, may order a fishing vessel that has not submitted to the jurisdiction of that Pacific Island Party to leave immediately the Licensing Area, all Limited Areas, and all Closed Areas upon making a finding that:

(1) The fishing vessel—

(i) While fishing in the Licensing Area did not have a license under the Treaty to fish in the Licensing Area, and that under paragraph 2 of Article 3 of the Treaty, the fishing is not authorized to be conducted in the Licensing Area without a license;

(ii) Was involved in any incident in which an authorized officer, authorized party officer, or observer was allegedly assaulted with resultant bodily harm, physically threatened, forcibly resisted, refused boarding or subjected to physical intimidation or physical interference in the performance of duties as authorized by the Act or the Treaty;

(iii) Has not made full payment within 60 days of any amount due as a result of a final judgement or other final

Int'l. Fishing and Related Activities

§ 300.60

determination deriving from a violation in waters within the Treaty Area of a Pacific Island Party; or

(iv) Was not represented by an agent for service of process in accordance with the Treaty; or

(2) There is probable cause to believe that the fishing vessel—

(i) Was used in violation of section 5(a)(4), (a)(5), (b)(2), or (b)(3) of the Act;

(ii) Used an aircraft in violation of section 5(b)(7) of the Act; or

(iii) Was involved in an incident in which section 5(a)(7) of the Act was violated.

(b) Upon being advised by the Secretary of State that proper notification to Parties has been made under paragraph 7 of Article 5 of the Treaty that a Pacific Island Party is investigating an alleged infringement of the Treaty by a vessel in waters under the jurisdiction of that Pacific Island Party, the Secretary shall order the vessel to leave those waters until the Secretary of State notifies the Secretary that the order is no longer necessary.

(c) The Secretary shall rescind any order issued on the basis of a finding under paragraphs (a)(1) (iii) or (iv) of this section (subsections 11(a)(1) (C) or (D) of the Act) as soon as the Secretary determines that the facts underlying the finding do not apply.

(d) An order issued in accordance with this section is not subject to judicial review.

§ 300.43 Observers.

(a) The operator and each member of the crew of a vessel shall allow and assist any person identified as an observer under the Treaty by the Pacific Island Parties:

(1) To board the vessel for scientific, compliance, monitoring and other functions at the point and time notified by the Pacific Island Parties to the Secretary.

(2) Without interfering unduly with the lawful operation of the vessel, to have full access to and use of facilities and equipment on board the vessel that the observer may determine are necessary to carry out observer duties; have full access to the bridge, fish on board, and areas that may be used to hold, process, weigh and store fish; remove samples; have full access to ves-

sel's records, including its log and documentation for the purpose of inspection and copying; have reasonable access to navigation equipment, charts, and radios, and gather any other information relating to fisheries in the Licensing Area.

(3) To disembark at the point and time notified by the Pacific Island Parties to the Secretary.

(4) To carry out observer duties safely.

(b) The operator shall provide the observer, while on board the vessel, at no expense to the Pacific Island Parties, with food, accommodation and medical facilities of reasonable standard as may be acceptable to the Pacific Island Party whose representative is serving as the observer.

§ 300.44 Other inspections.

The operator and each member of the crew of any vessel from which any fish taken in the Licensing Area is unloaded or transshipped shall allow, or arrange for, and assist any authorized inspector, authorized party officer, or authorized officer to have full access to any place where the fish is unloaded or transshipped, to remove samples, to have full access to the vessel's records, including its log and documentation for the purpose of inspection and photocopying, and to gather any other information relating to fisheries in the Licensing Area without interfering unduly with the lawful operation of the vessel.

Subpart E—Pacific Halibut Fisheries

AUTHORITY: 16 U.S.C. 773–773k.

§ 300.60 Purpose and scope.

This subpart implements the North Pacific Halibut Act of 1982 (Act) and is intended to supplement, not conflict with, the annual fishery management measures adopted by the International Pacific Halibut Commission (Commission) under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea (Convention).

TREATY ON FISHERIES BETWEEN THE GOVERNMENTS OF CERTAIN
PACIFIC ISLAND STATES
AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA

LICENSE APPLICATION FORM

Application is hereby made for a license authorizing the use of the vessel named in this application for fishing in the licensing area.

1. Full name of vessel: _____
2. Radio call sign of vessel: _____
Telex number: _____
3. Regional register number of vessel: _____
4. Full name and address of each person who is an operator of the vessel, and state whether owner, charterer, master or other. If other, specify details: _____

5. Full name and address of insurer for purposes of article 4.3(a) of the Treaty: _____

6. Registration number and make of helicopter, if any, to be carried on vessel: _____

7. Registration number and make of any aircraft to be used in association with fishing activities and name and address of operator: _____

8. State whether owner or charterer is the subject of proceedings under the bankruptcy laws of the United States. If yes, attach statement of financial responsibility: _____

9. State whether operator or vessel has been involved in a violation of this Treaty. If yes, specify details: _____

Date of application

Director of the Southwest Region
National Marine Fisheries Service
National Oceanic and Atmospheric
Administration

| <p>IF NO FISHING SET MADE IN A DAY RECORD THE MAIN ACTIVITY FOR THAT DAY</p> <p>1. FISHING SET 2. SEARCHING 3. TRANSIT 4. NO FISHING - BREAKDOWN 5. NO FISHING - BAD WEATHER 6. IN PORT - PLEASE SPECIFY 7. NET CLEANING SET</p> | <p>3. DRIFTING LOG, DEBRIS OR DEAD ANIMAL 4. DRIFTING RAFT, FAD OR PAYAO 5. ANCHORED RAFT, FAD OR PAYAO 6. LIVE WHALE 7. LIVE WHALE SHARK 8. OTHER</p> | <p>UNLOADINGS TO CANNERY, COLD STORAGE, CARRIER OR OTHER VESSEL</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 12.5%;">START DATE</th> <th style="width: 12.5%;">END DATE</th> <th style="width: 25%;">CANNERY—OR—VESSEL AND DESTINATION</th> <th style="width: 12.5%;">INTERNATIONAL RADIO CALL SIGN</th> <th style="width: 12.5%;">SKIPJACK</th> <th style="width: 12.5%;">YELLOWFIN</th> <th style="width: 12.5%;">BIGEYE</th> <th style="width: 12.5%;">MIXED</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table> | START DATE | END DATE | CANNERY—OR—VESSEL AND DESTINATION | INTERNATIONAL RADIO CALL SIGN | SKIPJACK | YELLOWFIN | BIGEYE | MIXED | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|---|-------------------------------|----------|-----------------------------------|-------------------------------|----------|-----------|--------|-------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| START DATE | END DATE | CANNERY—OR—VESSEL AND DESTINATION | INTERNATIONAL RADIO CALL SIGN | SKIPJACK | YELLOWFIN | BIGEYE | MIXED | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| <p>TUNA DISCARD CODES</p> <p>1. FISH TOO SMALL 2. FISH DAMAGED 3. VESSEL FULLY LOADED 4. OTHER REASON</p> | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">NAME OF CAPTAIN</td> <td style="width: 30%;">SIGNATURE OF CAPTAIN</td> <td style="width: 20%;">DATE</td> </tr> <tr> <td style="height: 40px;"> </td> <td> </td> <td> </td> </tr> </table> | NAME OF CAPTAIN | SIGNATURE OF CAPTAIN | DATE | | | |
| NAME OF CAPTAIN | SIGNATURE OF CAPTAIN | DATE | | | | | |
| | | | | | | | |

Appendix 5

PURSE SEINE TRANSSHIPMENT AND OTHER UNLOADING LOGSHEET

(Separate form to be completed for each transshipment/unloading and each processing destination)

TRIP NO: _____ TRIP START DATE: _____

VESSEL NAME: _____ RADIO CALL SIGN: _____

(1) PORT: _____

OR POSITION: LAT: _____ LONG: _____

(2) DATES:

(a) AT UNLOADING POINT: ARRIVAL: _____ DEPARTURE: _____

(b) AT UNLOADING: START: _____ END: _____

(3) PARTIAL OR COMPLETE UNLOADING: _____

(4) UNLOADING TO:

(a) CARRIER VESSEL NAME: _____

and RADIO CALL SIGN OR REGIONAL REGISTER NO: _____

or (b) NAME AND ADDRESS OF COMPANY ACCEPTING FISH: _____

(5) DESTINATION OF FISH: _____

FISH TO BE PROCESSED AT: _____

(6) QUANTITY UNLOADED:

| | YELLOWFIN | SKIPJACK | BIGEYE | MARLIN | OTHER | UNIT OF MEASUREMENT |
|---------------|-----------|----------|--------|--------|-------|------------------------|
| ACCEPTED: | _____ | _____ | _____ | _____ | _____ | _____ |
| REJECTED: | _____ | _____ | _____ | _____ | _____ | _____ |
| TRANSSHIPPED: | _____ | _____ | _____ | _____ | _____ | _____ |

(7) SIGNATURES:

VESSEL MASTER

RECEIVING AGENT

NB: An attachment to this form should include a signed copy of the size breakdown of catch as provided by the cannery.

REGIONAL REGISTER OF FOREIGN FISHING VESSELS

APPLICATION FOR REGISTRATION

Forum Fisheries Agency
PO BOX 629
Honiara
Solomon Islands

Phone (677) 21124
Fax (677) 23995
Telex HQ 66336

- INSTRUCTIONS:**
- * Underline Surname
 - * Address means complete mailing address
 - * Clearly mark the boxes ☒ where appropriate
 - * All units Metric; Please specify if other units used
 - * Affix a recent 6 x 8 inch colour side photo of the vessel to this application

Name of Vessel _____ **Radio Call Sign** _____

Country of Registration (Flag) _____

Flag State Registration Number _____

If this vessel was registered before or ANY of these details have changed, please specify:

Last Vessel Name _____

Last Radio Call Sign _____

Last Country of Registration _____

Last Flag State Registration Number _____

Vessel Owner

Name

Address

.....

.....

Vessel Charterer / Operator

Name

Address

.....

.....

Vessel Master/Captain

Name

Address

.....

.....

Fishing Master

Name

Address

.....

.....

Vessel Type:

☐ Single Purse Seiner

☐ Longliner

☐ Fish Carrier / Reefer

Group Purse Seiner:

☐ Pole and Line

☐ Bunker

☐ Mothership

☐ Troller

☐ Other _____

☐ Net Boat

(Please specify)

☐ Search Boat

Hull Material:

☐ Steel

☐ Fibreglass

☐ Other _____

☐ Wood

☐ Aluminium

(Please specify)

Gross Tonnage _____ (metric tons)

Length Overall _____ (metres)

Country Built _____

Rated Speed _____ (knots)

Year Built _____

Number of Crew _____

Total Engine Power _____ (specify units)

Total Fuel Carrying Capacity _____ (kilolitres)

| | |
|---|--|
| Satellite Communication System Present Y / N (Please circle your response) | |
| Daily Freeze Method: (You may choose more than one) <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;"> <input type="checkbox"/> Brine <input type="checkbox"/> Air (Blast) <input type="checkbox"/> Air (Coils) </div> </div> | Total Daily Capacity _____ tonnes/day |
| Storage Method: (You may choose more than one) <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;"> <input type="checkbox"/> Ice <input type="checkbox"/> Refrigerated Sea Water <input type="checkbox"/> Brine (NaCl) <input type="checkbox"/> Air (Coils) </div> </div> | Total Storage Capacity _____ cubic meters |

| |
|---|
| Complete either A, B or C as appropriate |
|---|

A. PURSE SEINE VESSELS

Helicopter Reg No _____
 Helicopter Model _____
 Power Block Net Pull _____ (kilos)
 Purse Winch Bare Drum Line Pull _____ (metres per minute)

Net Length _____ metres
 Net Depth _____ metres
 No of Auxiliary Boats _____

Doppler Current Meter Present **Y / N** (Please circle your response)
 Bird Radar Present **Y / N**

B. POLE AND LINE VESSELS

No of Automatic Poling Devices _____
 Bird Radar Present **Y / N** (Please circle your response)

Bait Storage Capacity _____ cubic metres

C. LONG LINE VESSELS

Main line material _____
 Main line length _____ kilometres
 Line Shooter Present **Y / N** (Please circle your response)

Max No Baskets _____
 Max No Hooks _____

I hereby apply for registration of the above vessel on the Regional Register of Foreign Fishing Vessels maintained by the Forum Fisheries Agency.

I declare that the above information is true and complete. I understand I am required to report any changes to the above information within 60 days, and further understand that failure to do so may affect the good standing of the vessel on the Regional Register.

Application Period _____ (eg 99/2000)

Applicant

State whether owner, charterer or duly authorised agent

Name of Applicant

Address

.....

Tel No

Fax No

Telex No

.....

Signature

Date

REGIONAL REGISTER OF FOREIGN FISHING VESSELS

APPLICATION FOR RENEWAL

Forum Fisheries Agency
PO BOX 629
Honiara
Solomon Islands

Phone (677) 21124
Fax (677) 23995
Telex HQ 66336
E-mail: mcs@ffa.int

INSTRUCTIONS: * Address means complete mailing address
 * Clearly mark the boxes ☒ where appropriate

| | | | |
|---|--|---|--|
| Name of Vessel _____ | | International Radio Call Sign _____ | |
| Country of Registration (Flag) _____ | | Flag State Registration Number _____ | |
| Vessel Contacts | Fax _____ | Phone _____ | Telex _____ E-mail _____ |
| Vessel Type: | <input type="checkbox"/> Single Purse Seiner | <input type="checkbox"/> Longliner | <input type="checkbox"/> Fish Carrier / Reefer |
| <i>Group Purse Seiner:</i> | <input type="checkbox"/> Pole and Line | <input type="checkbox"/> Bunker | |
| <input type="checkbox"/> Mothership | <input type="checkbox"/> Troller | <input type="checkbox"/> Other _____ | |
| <input type="checkbox"/> Net Boat | | | (Please specify) |
| <input type="checkbox"/> Search Boat | | | |

I hereby apply to renew registration of the above vessel on the Regional Register of Foreign Fishing Vessels maintained by the Forum Fisheries Agency.

I declare that there has been no change in the information provided in the original application for the first registration made in respect of the said vessel, and that the information contained therein remains true, complete and correct.

Application Period _____ (*eg 00/01*)

Applicant

State whether owner, charterer or duly authorised agent

Name of Applicant _____
Address _____

Phone No _____
Fax No _____
Telex No _____
E-mail _____

Signature _____ **Date** _____

ANNEX6

APPLICATION FOR REGISTRATION ON THE FFA VMS REGISTER OF FOREIGN FISHING VESSELS

FORUM FISHERIES AGENCY
P.O.BOX 629
HONIARA
SOLOMON ISLANDS

PHONE (677) 21124
FAX (677) 23995
TELEX HQ66336

The Director,

I hereby apply for VMS registration of a vessel on the FFA VMS Register of Foreign Fishing Vessels

| | |
|-----------------------------|--|
| Inmarsat Identifiers | |
| Inmarsat Serial No | |
| Inmarsat Mobile No | |

| | |
|-----------------------|--|
| Equipment Type | |
| Transceiver | |
| Manufacturer | |
| Model Identification | |
| Software Version | |

| | |
|-----------------------|--|
| Vessel Details | |
| Vessel Name | |
| Call Sign | |

| | |
|------------------------------------|--|
| Installation Agents Details | |
| Name of Installing Agent | |
| Address, Phone, Fax | |

I, _____ the installer of the Inmarsat Transceiver identified above declare that I have installed the specified Inmarsat C Transceiver in accordance with the "Certification Requirements for Automatic Communication Locators as published by the FFA from time to time.

The serial No of the three FFA security seals used to seal the ALC described in this application are;

Ser No 1 _____ SerNo2 _____ Ser No 3 _____

Signature _____
(Installer / FFA Authorised Agent) (Print Agents Company Name)

Date - ____ / ____ / ____
Print Name: _____
(Installer / FFA Authorised Agent) (Agents Company Contact Details)

I, _____ the owner/charterer/duly authorised agent of the Inmarsat Transceiver identified above give Telstra Australia permission to download the South Pacific Forum Fisheries Agency's DNID into the specified Inmarsat C Transceiver.

Signature/s _____
(Owner, Charterer, duly Authorised Agent) (witness)

Date ____ / ____ / ____
Print Name: _____
(Owner, Charterer, duly Authorised Agent) (witness)

I declare that the above information is true and complete. I understand, I am required to report any changes to the above information within 60 days. and further understand that failure to do so may affect registration on the VMS Register.

Return Registration Form to: **The Director (Attention VMS Support Officer)**, South Pacific Forum Fisheries Agency, P.O. Box 629, HONIARA, SOLOMON ISLANDS, Fax (677) 23- 995, Ph (677) 21124



VMS REGISTER OF FOREIGN FISHING VESSELS APPLICATION FOR RENEWAL OF REGISTRATION

FORUM FISHERIES AGENCY
P.O.BOX 629
HONIARA
SOLOMON ISLANDS

PHONE (677) 21124
FAX (677) 23995
TELEX HQ66336

I hereby apply to renew registration on the FFA VMS register of foreign fishing vessels for the vessel described below:

Application Period: _____ (eg: 98/99)

Name of Vessel: _____

Inmarsat Mobile Number: _____

Call Sign: _____

Vessel Type: _____

Country Registration Number(s): _____

I declare that there has been no change in the information provided in the original application for first registration made in respect of the said vessel, and that the information contained therein remains true, complete and correct.

Signature of Applicant
(Owner, Charterer or duly authorised Agent)

Date

Name: _____

Address: _____

Telex: _____ Fax: _____ Tel: _____

Note: An application for renewal of registration may be made in this form only if the vessel has been previously registered on the VMS register and the regional registration has not been suspended or canceled for the whole of the preceding period of registration.

Comment 12: Countervailability of European Coal and Steel Community Article 54 Loans
 Comment 13: Countervailability of Pre-Privatization Retirement Benefits under Law 451/94
 Comment 14: 1988 Equity Infusion

[FR Doc. 01-975 Filed 1-11-01; 8:45 am]

BILLING CODE 3510-DS-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010801E]

South Pacific Tuna Act

AGENCY: National Oceanic and Atmospheric Administration (NOAA).
ACTION: Proposed collection; Comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before March 13, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Forms Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Raymond P. Clarke, National Marine Fisheries Service, 1601 Kapiolani Blvd., Suite 1110, Honolulu, Hawaii 96814-4704, (808-973-2935 ext. 205), on the Internet at ray.clarke@noaa.gov.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Treaty on Fisheries Between the Governments of Certain Pacific Island States and the Government of the United States, signed in Port Moresby, Papua New Guinea, in 1987, and its annexes, schedules and implementing agreements, as amended (Treaty), authorize U.S. tuna vessels to fish within fishing zones of a large region of the Pacific Ocean. The South Pacific Tuna Act (16 U.S.C. 973g and 973f) and

U.S. implementing regulations (50 CFR 282.3 and 282.5) authorize the collection of information from participants in the Treaty fishery.

Vessel operators who wish to participate in the Treaty fishery must submit annual license and registration applications and periodic written reports of catch and unloading of fish from a licensed vessel. The information collected is submitted to the Forum Fisheries Agency (FFA) through the U.S. government (National Marine Fisheries Service). License and registration application information is used by FFA to determine the operational capability and financial responsibility of a vessel operator interested in participating in the Treaty fishery. Information obtained from vessel catch and unloading reports is used by FFA to assess fishing effort and fishery resources in the region and to track the amount of fish caught within each Pacific island state's exclusive economic zone for fair disbursement of Treaty monies. If the information is not collected, the U.S. government will not meet its obligations under the Treaty, and the lack of fishing information will result in poor management of the fishery resources.

II. Method of Collection

The information is collected using forms required under the Treaty.

III. Data

OMB Number: 0648-0218.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business and other for-profit organizations.

Estimated Number of Respondents: 32.

Estimated Time Per Response: 15 minutes for a license application or a registration application, 1 hour for a catch report, and 30 minutes for an unloading log sheet.

Estimated Total Annual Burden Hours: 248.

Estimated Total Annual Cost to Public: \$576.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the

use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 4, 2001.

Madeleine Clayton,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01-1060 Filed 1-11-01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 010801D]

NOAA Customer Surveys

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Proposed collection; Comment request.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before March 13, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Forms Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Richard Roberts, OFA1x1, Station 8118, 1305 East-West Highway, Silver Spring, MD 20910 (phone 301-713-3525, ext. 115).

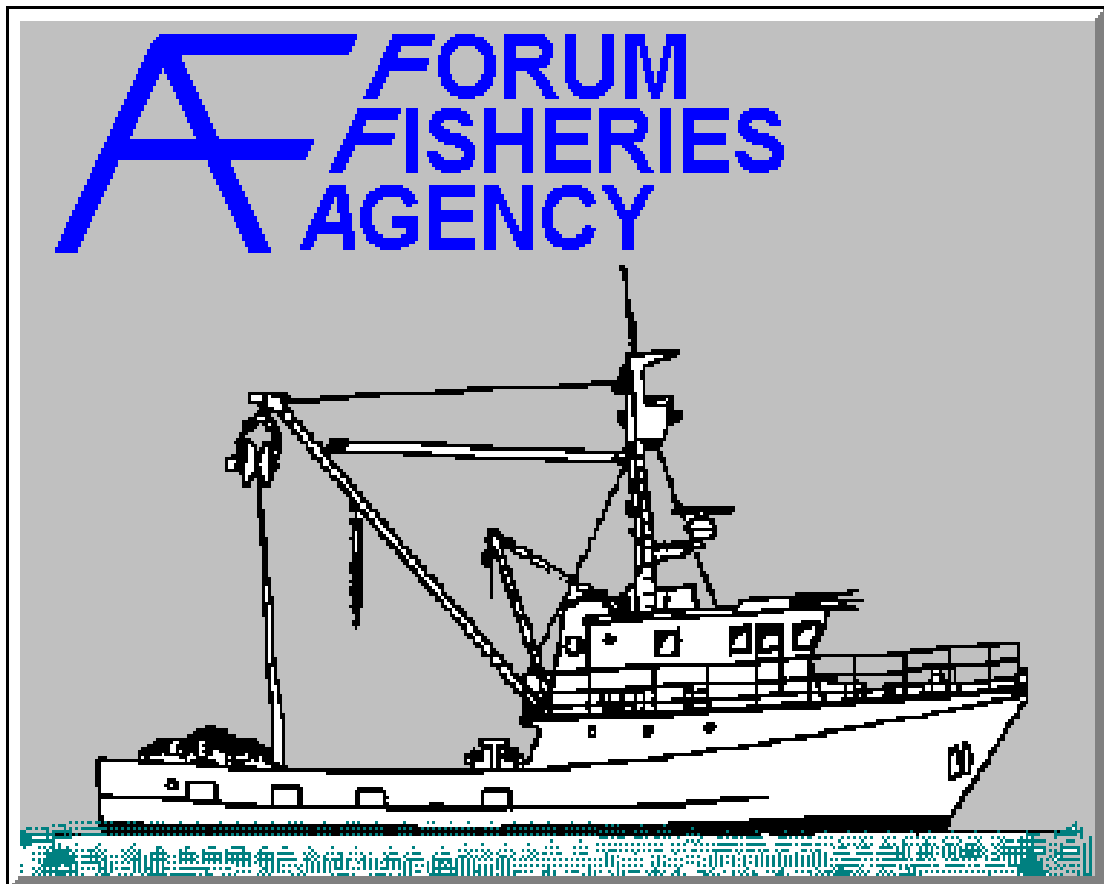
SUPPLEMENTARY INFORMATION:

I. Abstract

The National Oceanic and Atmospheric Administration (NOAA) is planning to seek renewed Paperwork Reduction Act approval for a generic clearance for customer surveys conducted by NOAA program offices.

Vessel Monitoring System

Guidelines for Installation and Registration of Automatic Location Communicators



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Foreword

From the Director of the South Pacific Forum Fisheries Agency (FFA)

The fish resources of the western and central Pacific are of paramount importance to the people of this region. In many cases, income derived from this resource comprises their most significant contribution to Gross Domestic Product and, without this contribution, essential services critical to the well-being of the people of this region would suffer.

Progressive monitoring, control, and surveillance of fisheries, incorporating innovative technologies, must take a high priority if future generations are to share in the continuing wealth and prosperity generated by an effectively managed and monitored resource. It is the responsibility of this generation of fishery and industry managers to ensure that everything which can be done, is done, to secure the future of one of the world's greatest fisheries.

Vessel Monitoring Systems (VMS) are rapidly becoming a standard compliance measure in terms of ensuring the integrity of fishing zones throughout the world. The European Union, the USA, Australia, New Zealand and South Africa are just a few regions and countries where VMS are either in place or are soon to be implemented. Accordingly, after several years of careful consideration commencing in the early 1990's, the FFA Member Countries decided to implement a regional VMS to assist in the management of the fisheries resources within their EEZs.

The specification for the FFA Member Countries' VMS was drawn up, taking into consideration the need to ensure a high degree of information security and operational efficiency, with minimum potential for tampering. This standard was developed in collaboration with experienced VMS operators in Australia and New Zealand, thereby capitalising on the experience gained in these FFA Member Countries.

The principal role of the regional VMS is to act in support of existing surveillance assets such as patrol vessels, surveillance flights, and regional observers that currently operate across an area of approximately 30 million square kilometres. Effective surveillance of an area of this magnitude has always been a daunting task, especially in the face of constant pressure on the surveillance budgets of FFA Member Countries. The regional VMS is seen as a major asset in effectively monitoring this vast area in a more cost-effective manner and will no doubt make a contribution to the sustainability of the fisheries resources within the EEZs of FFA Member Countries.

I trust that these guidelines will simplify the process of equipping your vessel and registering your ALC on the VMS Register. Please do not hesitate to contact any of the VMS officers listed in this guide for assistance in this process.

Yours sincerely,

Victorio Uherbelau

Director
Forum Fisheries Agency
22 June 1998

Preface

Purpose

These guidelines have been developed for those vessel operators required to install and operate an Automatic Location Communicator (ALC) in accordance with the requirements of the FFA Member Country Vessel Monitoring System (VMS). Specifically, this ALC registration guide is intended to provide you with clear direction on the process of ALC purchase, installation, registration, and operation.

To ensure that you comply with the requirements of the regional VMS you should, as a minimum, read sections 1, 2 and 3 of this guide.


Additional topics are outlined under the other sections of this document; they will provide you with a useful background and more detailed information concerning the FFA VMS and can be referenced as required.

You can request specific information about the VMS by contacting the FFA VMS Support Officer (VMSSO) at FFA Headquarters. See Chapter 6 for more details on contacting the VMS Support Officer.

Contents

| | |
|------------------|---|
| Preface | Explains the contents and conventions used in this document. |
| Chapter 1 | Describes the six steps to purchasing, installing, and registering your ALC. |
| Chapter 2 | Describes the procedures for the operation of the VMS Register for Foreign Fishing Vessels. |
| Chapter 3 | Lists answers to some commonly asked VMS questions. |
| Chapter 4 | Lists the goals of the FFA Member Country VMS. |
| Chapter 5 | Provides an overview of the components of the VMS. |
| Chapter 6 | Lists the Contact Officers for Member Countries. |
| Glossary | Defines terms and acronyms related to the VMS. |

Documentation Conventions

| When you see... | It means... |
|---|---|
|  Note | A hint, tip or piece of useful information. |

Six Steps to Purchasing, Installing and Registering Your ALC

Step 1: Obtaining an Application for ALC Registration

When applying for your licence or permit to fish in one of the FFA Member Countries, you will receive an *Application for Registration on the VMS Register of Foreign Fishing Vessels*, together with your normal application forms for your Member Country licence. The registration application form requires you to provide information concerning the ALC that you intend to install on your vessel. A copy of this form is attached at Chapter 2, Annex 6 to this guide and may also be used to apply for VMS registration at any time.

Step 2: ALC Type Approval

Only an FFA type-approved ALC may be fitted to your vessel if it is to comply with the overall FFA VMS requirements as set out in the conditions of your licence/permit and the FFA VMS Register rules.

As at **14 August 2000**, the following are FFA VMS type-approved units:

- Thrane and Thrane Capsat transceiver model TT3022D, using software version 3.11
- Thrane and Thrane Capsat transceiver model TT3022D, using software version 3.24
- ~~Trimble Galaxy transceiver model TNL 7001, using version 4.3 (expired 24 Oct 99)~~
- Trimble Galaxy transceiver model TNL 7001, using software version 5.10a
- Trimble Galaxy transceiver model 8005 (Courier), using software version 5.10
- Trimble Galaxy transceiver model TNL 7005 (non solas), using software version 5.10
- Trimble Galaxy transceiver model TNL 8001 (Sentinel), using software version 5.10
- Furuno Inmarsat-C transceiver model Felcom 12 (IC-212), using software DCE
- Japan Radio Company Limited Inmarsat-C transceiver model JUE-75CV, using software version 6.1
- Japan Radio Company Limited Inmarsat-C transceiver model JUE-75C, using software version 8.0
- Sailor Inmarsat-C Mobile Earth Station Transceiver (SAT-C) Model H1622D, using software version Sailor program TT-10202A Version 3.21 non-SOLAS Fishery

Operators may select between the purchase of either of these ALCs based on their own preference concerning brand, price, warranty, installation costs, and so on.

Please note that FFA expects additional ALCs to be type-approved over time and will release details of any additional approvals as they occur. However to ensure you have the latest type-approval list, you should contact either the VMS officer in the country in which you are applying for a licence (see Section 6 for contact numbers), or the FFA VMS Support Officer at FFA Headquarters. See Chapter 6 for more details about contacting the FFA VMS Support Officer.

Step 3: Purchase of ALCs

It is anticipated that ALC sales and service agents will progressively establish themselves in the central west Pacific in parallel with the number of vessels requiring installations and, where appropriate, ALC servicing. To obtain the latest information on sale prices, installation, and servicing for FFA type-approved ALCs, you should contact the FFA-approved ALC representatives listed at Appendix 1 to Chapter 1.

Step 4: Installation of ALCs

FFA type-approved ALCs *must* only be installed by an **FFA-approved agent**. When installing an ALC, the approved agent must install the ALC in accordance with *The Type Approval Process and Responsibilities for Automatic Location Communicators*. When you contact the approved agent, they will already have a copy of this document, and will know the installation standards required for the FFA member countries' VMS.

Details of approved installation agents can be obtained by contacting the ALC sales and service representatives as previously specified in Step 3 above, or by contacting the FFA VMS Support Officer at FFA Headquarters. See Chapter 6 for more details about contacting the FFA VMS Support Officer.

Step 5: Registration and Payment of ALC Registration Fee

Once your FFA type-approved ALC has been installed by an authorised agent, you need to register it with the FFA and pay the appropriate VMS registration fee.

Registration

You should now complete and submit the *Application for Registration on the VMS Register of Foreign Fishing Vessels for member countries* form, obtained from the FFA member-country licensing officer, FFA VMS Support Officer or taken from Chapter 2, Annex 6 of this document. The application must be submitted to:

The Director (Attention VMS Support Officer)

Forum Fisheries Agency

PO Box 629

Honiara, Solomon Islands

Registration Fee

The annual VMS registration fee is designed to recover the operational cost of the FFA member countries' VMS and is currently set at **USD\$845 (FOB)** per vessel. The VMS registration fee should be free of any deductions (such as banking fees). Vessel operators submitting VMS Register administration fee payments to the FFA by bank draft should ensure that the draft is marked as **"payment for VMS registration"**. The name and identification number of each vessel for which payment is being made should be

stated in the advice accompanying the bank draft. Telegraphic transfers of fees to the FFA should be paid to:

**National Bank of Solomon Islands Account,
Address: Bank of Hawaii International Corporation,
One Whitehall Street, 16th Floor,
New York NY 1004, U.S.A.
Account No: 7328001-1, CHIPS UID: 105560.**

After fee remittance, the FFA should be advised of the reference number of the telegraphic transfer.

Step 6: Notification

FFA will formally notify operators that their vessel has been granted registered status on the VMS register. The vessel operator should retain a copy of this confirmation.

Summary Check List Steps 1- 6

- ☐ Obtain your FFA VMS Registration application from the FFA member country licensing authority or from Chapter 2, Annex 6 of this document.
- ☐ Check which ALCs are FFA type-approved for use in the FFA member countries' VMS.
- ☐ Contact the FFA-approved ALC service agent for ALC purchase and installation information.
- ☐ After you have chosen your desired unit, have the ALC installed by an FFA-approved agent.
- ☐ Submit your application for registration on the regional FFA VMS register and pay the registration fee (free of banking fees/charges) to the FFA.
- ☐ Retain your FFA acknowledgement of registration as forwarded to you by the FFA upon registration of your ALC.

Operation of the VMS Register of Foreign Fishing Vessels

This chapter describes the procedure for the operation of the VMS Register of Foreign Fishing Vessels and comprises Annexes 4 - 7 extracted from *The Harmonized Minimum Terms and Conditions for Foreign Fishing Vessel Access*, as amended by FFC34 (24-28 November 1997)

ANNEX 4

PROCEDURE FOR THE OPERATION OF THE VMS REGISTER OF FOREIGN FISHING VESSELS

1 RESPONSIBILITY

- 1.1 The Forum Fisheries Committee (hereinafter referred to as “the Committee”) retains the primary responsibility for providing general policy and administrative guidance for the operation of the VMS Register.
- 1.2 The Committee shall meet from time to time to review the operation of the VMS Register.
- 1.3 The Committee delegates to the Director the responsibility for detailed administration of the VMS Register according to such guidance as the Committee, from time to time, might provide.

2 REGISTRATION REQUIREMENTS

- 2.1 All applications for ALC registration shall contain the information required on the approved application form, attached as Annex 6.
- 2.2 The applicant shall deliver an application for registration and notification of variation in the information provided in the application, to the Director.
- 2.3 Any information required to be recorded, or to be notified, communicated or reported shall be true, complete and correct. Any change in circumstances, which has the effect of rendering any such information false, incomplete or misleading shall be notified to the Director immediately.
- 2.4 Registration shall be an annual requirement and shall expire on **31 August** of each year. Applicants wishing to maintain their registration shall, where there has been no material change in the information provided in the original application, and unless otherwise required by the Director, submit an application for renewal in the form prescribed in Annex B before **1 September each year**. In all other cases, including where the application for renewal is received later than **1 September**, applications for renewal shall be dealt with for all purposes as applications for first registration under paragraph 2.1.
- 2.5 Applications for first registration may be made at any time, but in no case shall the period of validity of that registration extend beyond **31 August** following the date on which the application was made.

3 IMPLEMENTATION OF REGISTRATION REQUIREMENT

- 3.1 Member countries have agreed not to license a foreign fishing vessel or a support vessel unless that fishing vessel or support vessel is registered on the VMS Register.
- 3.2 Each member country shall notify the governments, associations and independent operators responsible for the operation of foreign fishing vessels that have or might be expected to fish within their EEZs of the VMS Register requirements. The requirement of registration on the VMS Register is a condition of licensing, and any fees which may be required hereunder are the administration costs and have no bearing on license or access fee.

4 CONFIRMATION OF REGISTRATION

- 4.1 The Director shall initially accord registered status on the VMS Register to all foreign fishing vessels which meet the following requirements when registering:
 - a) duly completed application forms have been received
 - b) the specified levy has been received
 - c) the VMS Operations officer confirms to the Director of FFA that an FFA approved operational ALC has been installed in accordance with the "The Type Approval Process and Responsibilities for Automatic Communication Locators" specification.

The Director shall notify the applicant and all member countries accordingly.

5 CRITERIA FOR WITHDRAWAL OR SUSPENSION OF REGISTRATION

- 5.1 Registration may be suspended if:
 - a) the vessel operator violates terms and conditions of access, including but not limited to:
 - 1. failure to activate the ALC upon entry into zones;
 - 2. failure to provide manual reports when so directed by the delegated member country authority while in a zone in the event of an ALC breakdown;
 - 3. failure to stow fishing gear and either leave the zone in the event that manual reports cannot be provided;
 - 4. failure to take the vessel to a nominated port for ALC repair when so directed by the delegated member country authority;
 - 5. interfering with, tampering with, altering, damaging, or disabling the ALC.
 - b) there is no access agreement in force relating to the vessel in question between the member country concerned and the vessel operator, the flag State of the vessel or a fishermen's' association of which the vessel or the operator is a member and evidence exists that gives reasonable cause to believe that the operator has committed a serious offense against the fisheries laws or regulations of the member country and it has not been possible to bring the operator to trial.

6 PROCEDURES FOR WITHDRAWAL OF REGISTRATION

- 6.1 Any member country may request withdrawal of registration of a vessel on the VMS Register by addressing that request, with supporting documentation, to the Director for distribution to all members. The supporting documentation should include evidence of the alleged offense, a response, if any, to the evidence by the vessel operator, and a record of efforts taken by the member country to obtain satisfaction. Prior to making such a request, the member country shall have fully investigated the alleged infringement and have made every effort to obtain an explanation from the vessel operator concerned.
- 6.2 The Director shall immediately copy and distribute to all member countries a request for withdrawal of registration, and supporting documentation.
- 6.3 The Director shall notify the vessel operator that the member countries are considering a request for withdrawal of registration.
- 6.4 Member countries shall immediately notify the Director of the date of receipt of a request for withdrawal of registration.
- 6.5 Approval of a request for withdrawal of registration shall require endorsement from three or more member countries and no dissenting responses. Member countries should use their best efforts to respond to notification of a request for withdrawal of registration within 14 days of such notification.
- 6.6 The Director shall notify all member countries when three or more member countries have endorsed a request for withdrawal of registration. The notification shall indicate that withdrawal of registration shall become effective on a specific date no earlier than 14 days after the date of such notice, unless an objection from a member country to that action is received by the Director before that date.
- 6.7 Any member country that objects to the proposed withdrawal of registration shall make known the fact of its objection and the reasons therefore to the Director in writing. The Director shall notify the requesting country of the objection and shall invite the requesting country and the objecting country to reconsider the request for withdrawal. The requesting country and objecting country shall notify the Director of their consultations and shall inform the Director whether or not to proceed with the withdrawal of registration.
- 6.8 The Director shall notify all member countries and the vessel operator when the withdrawal of registration will become effective.

7 PROCEDURES FOR SUSPENSION OF REGISTRATION

- 7.1 The Director shall suspend the registration of any vessel that has not complied with the provisions of paragraph 2 hereof.
- 7.2 The Director may, on the written request of a member country stating the grounds for suspension, suspend the registration of a vessel. A member country may request suspension of registration on one or more of the grounds set out in paragraph 5.1 hereof.
- 7.3 The Director shall notify all member countries and the vessel operator 14 days prior to the intended date of suspension of registration. The notice shall include the reason for the suspension, the corrective action required and the effective date of the suspension of registration.
- 7.4 The suspension of registration shall take effect on the notified date and shall remain valid until the required corrective action is taken.

8 REINSTATEMENT OF REGISTRATION

- 8.1 Following withdrawal, registration shall be reinstated upon the satisfaction of all outstanding requests, a favorable response from three or more member countries and no dissenting response, and the completion of the requirements as detailed in paragraph 2 hereof.
- 8.2 Following suspension, registration shall be reinstated upon satisfactorily completing the required corrective action to the satisfaction of the country requesting suspension and, in the case of suspension under paragraph 5.1 hereof, completing the requirements as detailed in paragraph 2 hereof.
- 8.3 Where the registration of a vessel has been suspended and the suspension has remained in effect for a period of 12 months or more the registration of that vessel shall automatically be withdrawn and registration will be reinstated only when the requirements, detailed in paragraph 8.1 are satisfied.
- 8.4 The Director shall notify all member countries and the vessel operator of the reinstatement of registration for a vessel.

9 NATIONAL CORRESPONDENT

- 9.1 Each member country shall nominate a single officer or office in its Government as National Correspondent to be responsible for responding to requests for withdrawal of registration and for the distribution of all listings from the VMS Register within the member country.
- 9.2 The Director shall address all requests for withdrawal of registration and listings of VMS Register information to the National Correspondent identified by each member country.
- 9.3 In the absence of such nomination, the Director shall use his/her normal channel of communication with the member country concerned.

10 REPORTS

- 10.1 Each member country shall provide the Director with details of registration or licence numbers, as applicable, effective dates for licenses or registrations and appropriate vessel identification.

The Director shall circulate VMS Register information to all member countries automatically via the normal operation of the VMS.

ANNEX 5

VMS REGISTER OF FOREIGN FISHING VESSELS

APPLICATION FOR REGISTRATION - NOTES FOR GUIDANCE

1. Any foreign fishing vessel that wishes to apply for a licence to fish in the waters of an FFA Member Country must first be registered on the VMS Register of Foreign Fishing Vessels maintained by the South Pacific Forum Fisheries Agency.
2. Registration on the VMS Register is accorded to all foreign fishing vessels for which the Director of the Forum Fisheries Agency has received duly completed application forms and fees.

3. Applications for registration must be submitted on the proper application form in **Annex 6**.
4. Applications must be submitted to the Director of the FFA. An administration fee of **USD\$845 (free of banking charges)** is required for each application or renewal of registration. The fee may be paid by bank draft made payable to the **Forum Fisheries Agency, as detailed in Step 5, Chapter 1 of this document.**
5. Any variation in the information provided in the application shall be delivered in writing to the Director of the FFA.
6. All information provided by the applicant shall be true, complete and correct. Any change which has the effect of rendering such information false, incomplete or misleading shall be reported immediately to the Director in writing;
7. Upon receipt of the completed application form and administration fee the Director will register the vessel. Confirmation of VMS Registration will be notified to the operator of the vessel, and the FFA member country which wishes to licence the vessel for fishing. If any information is missing from the application form the Director will request the vessel operator to supply the missing information before registration is completed.
8. FFA member countries will not license any vessel to fish until the vessel is registered on the VMS Register. Registration on the VMS Register is not a license to fish. The VMS Registration procedures are in addition to any other registration and licensing procedures required by FFA member countries.
9. Registration on the VMS Register is an annual requirement and remains valid only until **31 August** each year. Applicants wishing to maintain their registration shall reapply by **1 September** each year on the simplified Form in Annex 7; provided that there has been no change in the description of the vessel or ALC. In all other cases, including where the application for renewal is made after **1 September**, or where there has been any change in the description of the vessel or ALC, the usual application form at Annex 6 must be completed and submitted.
10. Any vessel that does not renew its registration will be removed from the VMS Register.

ANNEX 6



APPLICATION FOR REGISTRATION ON THE FFA VMS REGISTER OF FOREIGN FISHING VESSELS

FORUM FISHERIES AGENCY
P.O. BOX 629
HONIARA
SOLOMON ISLANDS

PHONE (677) 21124
FAX (677) 23995
TELEX HQ66336

The Director,

I hereby apply for VMS registration of a vessel on the FFA VMS Register of Foreign Fishing Vessels

| Inmarsat Identifiers | |
|----------------------|--|
| Inmarsat Serial No | |
| Inmarsat Mobile No | |

| Equipment Type | |
|----------------------|--|
| Transceiver | |
| Manufacturer | |
| Model Identification | |
| Software Version | |

| Vessel Details | |
|----------------|--|
| Vessel Name | |
| Call Sign | |

| Installation Agents Details | |
|-----------------------------|--|
| Name of Installing Agent | |
| Address, Phone, Fax | |

I, _____ the **installer** of the Inmarsat Transceiver identified above declare that I have installed the specified Inmarsat C Transceiver in accordance with the "Certification Requirements for Automatic Communication Locators" as published by the FFA from time to time.

The serial No of the three FFA security seals used to seal the ALC described in this application are;

Ser No 1 _____ Ser No 2 _____ Ser No 3 _____

Signature _____
(Installer / FFA Authorised Agent) (Print Agents Company Name)

Date _____ / _____ / _____

Print Name: _____
(Installer / FFA Authorised Agent) (Agents Company Contact Details)

I, _____ the **owner/charterer/duly authorised agent** of the Inmarsat Transceiver identified above give Telstra Australia permission to download the South Pacific Forum Fisheries Agency's DNID into the specified Inmarsat C Transceiver.

Signature/s _____
(Owner, Charterer, duly Authorised Agent) (witness)

Date _____ / _____ / _____

Print Name: _____
(Owner, Charterer, duly Authorised Agent) (witness)

I declare that the above information is true and complete. I understand, I am required to report any changes to the above information within 60 days, and further understand that failure to do so may affect registration on the VMS Register.

Return Registration Form to: **The Director (Attention VMS Support Officer), South Pacific Forum Fisheries Agency, P.O. Box 629, HONIARA, SOLOMON ISLANDS, Fax (677) 23-995, Ph (677) 21124**

ANNEX 7

VMS REGISTER OF FOREIGN FISHING VESSELS APPLICATION FOR RENEWAL OF REGISTRATION

FORUM FISHERIES AGENCY
P.O.BOX 629
HONIARA
SOLOMON ISLANDS

PHONE (677) 21124
FAX (677) 23995
TELEX HQ66336

I hereby apply to renew registration on the FFA VMS register of foreign fishing vessels for the vessel described below:

Application Period: _____ (eg: 98/99)

Name _____ of _____ Vessel: _____

Inmarsat _____ Mobile _____ Number: _____

Call _____ Sign: _____

Vessel _____ Type: _____

Country Registration Number(s): _____

I declare that there has been no change in the information provided in the original application for first registration made in respect of the said vessel, and that the information contained therein remains true, complete and correct.

 Signature of Applicant
 (Owner, Charterer or duly authorised Agent)

 Date

Name: _____

Address: _____

Telex: _____ Fax: _____ Tel: _____

Note: *An application for renewal of registration may be made in this form only if the vessel has been previously registered on the VMS register and the regional registration has not been suspended or cancelled for the whole of the preceding period of registration.*

Answers to Some Common VMS Questions

Raised by Vessel Operators

What are the likely VMS conditions of operation that may be placed on my Member Country licence?

- 1) You must install, maintain and operate a registered ALC at all times and in accordance with the manufacturer's specifications and operating instructions, and FFA standards.
- 2) You must ensure that no person tampers or interferes with the ALC and that the ALC is not altered, damaged or disabled.
- 3) You must ensure that the ALC is not moved from the agreed installed position or removed without the prior permission of the licensing authority.
- 4) You must ensure that the ALC is switched on and is operational at all times when the vessel is within the EEZ of the licensing country.
- 5) If notified by the licensing country or appropriate authority that your vessel's ALC has failed to report, you (or your authorised agent) must send to a delegated authority, reports containing the vessel's name, call sign, position (expressed in latitude and longitude to minutes of arc), and date and time of the report. These reports must be sent at intervals of 8 hours or shorter as specified by the delegated authority and must begin as soon as you are notified that your ALC has failed. Such reports must continue until such time as the licensing country or appropriate authority confirms the ALC operational.
- 6) If a position report as described above cannot be made, or when the delegated authority so directs, the master of the vessel must immediately stow the fishing gear and take the vessel directly to a port identified by the licensing country or appropriate authority, and as soon as possible, report to the delegated authority that the vessel is being, or has been, taken to port with gear stowed.

Do I have to connect a communication device to my ALC?

Inmarsat defines two different types of Inmarsat-C ALCs, those with distress facilities and those without distress facilities:

- 1) For those with distress facilities, Inmarsat require that it is mandatory that Data Terminal Equipment (DTE) such as a computer be installed in conjunction with the ALC. In the event of a distress message being issued from the vessel, the first action the search and rescue authorities will take will be to try and contact the vessel via this communication terminal. The communication terminal can also be used as a reliable method for communication between the land based operators and the vessel.
- 2) For Non-SOLAS ALCs (only Non-SOLAS type without distress calling facilities) it is at this stage not a mandatory requirement. However the FFA strongly recommends that for SOLAS (Safety Of Life At Sea) purposes that Data Terminal Equipment be connected.

Can I use my ALC as an additional means of communications if I choose?

Yes. This is possible through the use of a data terminal connected to the ALC. Alternatively, it is a relatively simple matter to connect a laptop computer, and if desired, a printer to the ALC for communication purposes. Connecting a communications device enables reliable satellite communication to other vessels carrying ALCs, or to any land-based ALC, telex, facsimile machine, or personal computer and modem. The connection of a printer to the ALC will also provide for the automatic print of any incoming messages including regional weather reports or maritime warnings. Land-based operators wishing to communicate with the vessel can purchase specific software which will enable email or text communication from a personal computer or modem to the vessel.

Can I use this system to track my own vessel/s?

Yes. There are several software packages now available in the market place that provide for secure automated company-based tracking of vessels.

Who has to register on the regional VMS register?

Essentially any operator who is required to register their vessel on the FFA Regional Register of Foreign Fishing Vessels in order to fulfill the good standing requirement will be required to register on the VMS register.

When will I have to register on the regional VMS register?

FFA Member Countries will decide when to legally apply the requirement for a vessel to carry an operational FFA type-approved ALC within their respective EEZs. The requirement to carry an operational ALC will be communicated to operators by the relevant Member Country licensing authority (as soon as practical) with a view to giving operators sufficient time to arrange for the purchase and installation of the ALC.



Note

Operators wishing to fit ALCs in anticipation of a given Member Country's advice are free to do so. For example, it may be more convenient for operators with vessels currently under refit to have an ALC installed *now* rather than wait for formal application of the system which may eventuate at a less convenient time.

To register early, simply follow the steps as outlined in Steps 1-6 of Chapter 1 using the application form contained at Chapter 2, Annex 6 to this guide.

If I already have an ALC on my vessel that is of a type approved by the FFA, does it automatically qualify me for registration?

Whilst your ALC may be of a type already approved by the FFA, this will need to be confirmed. Secondly, an approved agent will not have fit the ALC. In order to ensure that the unit is of the correct type, and installed and configured correctly, you must arrange for an inspection and, where appropriate, modification by an approved agent, or the VMS officer located in the relevant Member Country. To make arrangements for an inspection, you should contact the FFA VMSSupport Officer. See Chapter 6 for details on contacting the FFA VMSSupport Officer.

You should still complete the application to register your ALC on the VMS register and ensure that you note that the unit was installed prior to the introduction of the regional VMS.

What if I have to replace my ALC or swap it from one vessel to another?

Once an ALC is fitted to a vessel and registered, it can only be removed from the vessel if the licensing country has granted prior permission. If another ALC is to be fitted, this ALC will be treated as a new installation for the purpose of registration.

Why do I have to use an Inmarsat-C ALC?

In order for any ALC to qualify for type approval, it must first meet the performance specifications as contained in the *Certification Requirements for Automatic Location Communicators*.

These requirements are designed to ensure that the ALC offered up for certification meets the stringent standards necessary for the operation of an effective surveillance system.

Manufacturers of other systems such as Inmarsat-A, B and Argos were free to apply for type approval. However no applications were received as these systems appear to have lacked several of the necessary prerequisites required to gain FFA type approval and conformance to the business requirements approved by the FFA Member Countries.

The selected system for MCS use is Inmarsat-C which is substantially different from the other formats offered. Inmarsat C is not an end-to-end system, rather it is a *store-and-forward* system where the data is not immediately sent all of the way from the sender to the receiver.

The message is stored in intermediary locations such as an Inmarsat Land Earth Station (LES) before forwarding to the final recipient. This is obviously inappropriate for voice communications but it is most appropriate and less costly for email and telex-like messages.

Inmarsat-C, by definition of the Inmarsat organisation, includes an automatic reporting system making it highly suitable as an off-the-shelf monitoring system used for many monitoring systems in both land and maritime applications. The ALC can be programmed to report at set time intervals. Programming of the time intervals can be done remotely from a monitoring station via the satellite communications system. The transceiver can receive and process other commands such as a request to send the current position of the vessel immediately. Position fixing is done using a GPS receiver integrated into the Inmarsat-C transceiver.

Will the equipment take up limited bridge space?

No. An ALC is approximately the size of a car cassette player and can be easily accommodated on the bridge of even small fishing vessels. The smallest vessel that was equipped with a VMS during the FFA technical trial was only 7m LOA, - even on a vessel this small, the ALC was easily accommodated and was not intrusive in the limited cabin space.

Security of Information

The FFA Member Country VMS relies on tried and proven technology such as Inmarsat-C and International X.25 packet switching protocols for the security of data transfer from vessels at sea to the FFA VMS hub site.

Inmarsat-C technology and X.25 packet switching has multiple in-built security features and has been used for many years by a range of security dependent organisations such as banks. These same communication protocols have also been used by fisheries agencies in Australia and New Zealand in their VMS and these communications mediums have proved to be both reliable and secure.

Once positional information is received at the VMS hub site in Honiara via these communications protocols, it is then partitioned by country location and sent out to the authorised country VMS site. Information is relayed by either Inmarsat-C, IDD or the Internet. Before transfer to the Member Country site, the information is encrypted by Smart Crypt, which is a highly secure encryption system.

Any VMS Member Country sites requesting information from the VMS hub site in Honiara must first have the appropriate security access and clearance classification for the system to recognize the request and then respond accordingly. Security passwords are changed regularly and all requests for information are logged and auditable.

To ensure that all measures have been taken regarding physical security of information, a security review was undertaken by independent security experts from Australia and the findings carefully reviewed to ensure a high level of both physical and electronic protection of information.

Goals of the FFA Member Country VMS

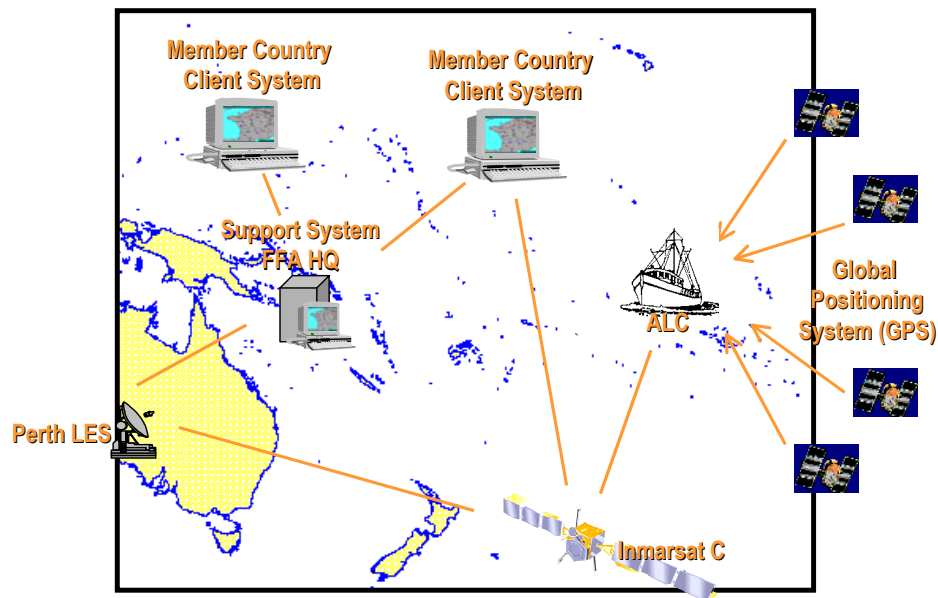
The FFA VMS aims to:

- 1) **Improve monitoring of fishing vessel activities** - resulting in improved compliance with fisheries legislation. Improved compliance should provide more realistic returns to the FFA Member Countries for granting access to fishing resources.
- 2) **Automate monitoring and surveillance, cost-effectively and efficiently**, - providing speedy identification of suspicious fishing vessel activity which can then be targeted for further investigation or monitoring. In addition, by providing information about known vessel activity, surveillance operations can quickly identify and investigate unknown vessel activity. This translates into significant cost and time saving benefits.
- 3) **Be scaleable and flexible** - enabling cost-effective enhancement and expansion of the system to meet future increases in processing volume or changes in business requirements.
- 4) **Be secure** - with confidentiality of fishing vessel and movement information, for each Member Country and the FFA Headquarters, ensured through sophisticated software security measures.

Components of the VMS

Overview

The diagram below illustrates the main components of the VMS.



How Does the VMS Work?

Licensed fishing vessels are fitted with an Automatic Location Communicator (ALC) which periodically sends a signal, via satellite and the Perth Land Earth Station (LES), to the VMS support system at FFA Headquarters. The position signal gives the vessel's identification, current location and bearing.

Vessel position signals are analysed by the VMS decision engine, which forms part of the support system at FFA Headquarters. The decision engine tests vessel position reports against a set of predefined decision rules and levels of compliance (called escalations). Alert messages and appropriate actions are automatically initiated according to the outcome of processing the position signals against the decision rules. For example, an alert message is generated for the relevant Member Country if analysis indicates a violation of one or more decision engine rules, such as entering an EEZ. The decision engine can also automatically request a vessel position report, or change the duration between vessel position reports, if analysis indicates that a vessel should be closely monitored.

Member Countries can formulate a request for their relevant vessels' position details as they become available or at intervals preset by each Member Country. Once the Member Country receives vessel information, the VMS user can view it on a standard computer monitor using SmartTRAC, a geographic information system. SmartTRAC displays the position of each vessel, during a set time period, as a track on a map as well as displaying known vessel information. VMS users can utilise SmartTRAC's extensive

searching and analysis features to display and make enquiries about past, present and future vessel activity.

VMS users can generate reports on vessel activity, VMS alert messages and VMS system information, and display them on screen or as a printed report.

Functions of the VMS

The VMS enables VMS Operators and Administrators at FFA Headquarters and Member Country sites to complete tasks associated with the various VMS functions. The main VMS components and their functions are listed below.

Vessel ALC



Vessel operators or owners use the VMS to:

- ♦ **AUTOMATICALLY SEND POSITION REPORTS TO THE FFA AND IF REQUIRED TO THE COMPANY BASE**

Member Country Client System



Member Country personnel use the VMS to:

- ♦ **GENERATE REPORTS**
- ♦ **REQUEST AND DISPLAY VESSEL POSITIONS**
- ♦ **RECEIVE/SEND E-MAIL**

Support System FFA HQ



FFA personnel use the VMS to:

- ♦ **REQUEST AND DISPLAY VESSEL POSITIONS**
- ♦ **RECEIVE/SEND E-MAIL**
- ♦ **GENERATE REPORTS**
- ♦ **MAINTAIN THE FFA HEADQUARTERS CLIENT SYSTEM**

Member Country VMS Officer Contact List

| MEMBER COUNTRY | VMS OFFICER | CONTACT PHONE | CONTACT FAX | INMARSAT C NO. |
|------------------|---|---|-------------------|----------------|
| Cook Islands | Josh Mitchell | 682 28722 (Fisheries) (26018 VMS Site) | 682 29721 | 450300597 |
| Fiji | Sub-Lieutenant Elik Salusalu Warrant Officer Viliame Vakaloloma | 679 312 397(Navy) / 679 312 803 (VMS Site) | 679 314 783 | 450300591 |
| FSM | Roland Isisaki | 691 320 2628/ 320 5776 (Fisheries Switch) | 691 320 5103/2628 | 450300586 |
| Kiribati | Raikaon Tumoa | 686 21099 or 21094 ext 218 (Fisheries) / 686 21502 (VMS site) | 686 21120 | 450300592 |
| Marshall Islands | Glen Joseph | 692 625 8262 | 692 625 6447 | 450300593 |
| Nauru | Terry Amram Teoku Olsson | 674 444 3739 (Fisheries Switch) | 674 444 3812 | 450300595 |
| Niue | Sione Leolahi | 683 4032 (Fisheries Switch) | 683 4079 4010 | 450300587 |
| Palau | Herbert Decherong Thomas Tutu | 680 488 4509 (VMS Site) | 680 488 3075 | 450300588 |
| PNG | Kingsley Sere-Isaiah | 675 321 2643 (Fisheries Switch) | 675 321 2662 | 450300585 |
| Samoa | Lorenese Neru | 685 249 57 (Fisheries Switch)/ 685 25656(VMS Site) | 685 24957 | 450300598 |
| Solomon Islands | Charles Tobasala | 677 30256/30108 | 677 30256 | 450300589 |
| Tonga | Silivenusi Ha'unga | 676 21399(Fisheries)/ 676 25633 (VMS Site) | 676 23891 | 450300596 |
| Tuvalu | Tala Fou Esekia Mika Elisaia | 688 20143 (Fisheries Switch) 688 20728 | 688 20346 | 450300590 |
| Vanuatu | Hanson Kalran Wesley Obed | 678 24614(Fisheries) / 678 22557 (VMS Site) | 678 22557 | 450300594 |

You can contact the VMS Support Officer at FFA Headquarters, PO Box 629, Honiara, Solomon Islands or telephone +(677) 21124, fax + 677 23995, e-mail: support@vms.ffa.int

Glossary of Terms and Acronyms

| Term | Description |
|---------------------|---|
| ALC | An Automatic Location Communicator meeting FFA type-approval specifications. Compliance with the ALC type-approval process is required to enable a vessel owner or operator to purchase, install and commission an ALC that will meet the type-approval standards mandated by FFA. |
| ALC Details | The ALC unit details, including physical attributes such as ALC ID, serial number, manufacturer, model, make and so on. |
| ALC Registration | This procedure enables an ALC to be registered by entering the details of the ALC and relating it to a specific fishing vessel. Only FFA VMS Administrators and Operators can register ALCs. |
| EEZ | Exclusive Economic Zone. |
| FFA | South Pacific Forum Fisheries Agency. |
| Fishers | Fishing vessel operators. |
| GPS | Global Positioning System. |
| IDD | International Direct Dial. The ability to dial international numbers directly without having to go through an operator. |
| IDN | International Data Numbers. |
| Immediate Poll | The process whereby the VMS system is able to request an ALC to report its current position. |
| IMN | Inmarsat Mobile Number. |
| Inmarsat-C or Sat-C | A message-based satellite communications system. |
| LES | Land Earth Station. A component of the Inmarsat-C system. In the context of this document, LES means the Telstra LES located in Perth, Australia. |
| LES Mailbox | In general terms, the LES takes messages and commands from a mailbox and distributes them to the satellite, or conversely receives messages from the satellite for further distribution. |
| Licensed Status | An indication of a fishers' right to fish in a particular EEZ. |
| MES | Mobile Earth Station as used by Inmarsat-C service. |
| MMCS | FFA's Manager Monitoring, Control and Surveillance. |
| Open Query | An open query is a request for information about vessel activity by a VMS user. It will remain active until it has been answered or until the expiry (end) date. |
| Poll | The VMS process of requesting a position report from an ALC which is aboard a vessel. |

| Term | Description |
|-----------------------|---|
| | aboard a vessel. |
| Poll rate | The duration between vessel position reports (or polls). |
| POR | Pacific Ocean Region. |
| Position | A geographic position expressed as a latitude and longitude and in terms of the World Geodetic System 1984 (WGS84) geodetic datum. |
| Type Approval | Compliance with the ALC type-approval process is required to enable a vessel owner or operator to purchase, install and commission an ALC that will meet the type approval standards mandated by FFA. |
| Vessel Track or Track | A collection of sequential position reports from a vessel, assuming a straight line connecting each point. |
| VMS | The FFA Regional Vessel Monitoring System described in this document. |

**END OF FFA VMS
GUIDELINES FOR INSTALLATION AND
REGISTRATION OF AUTOMATIC LOCATION
COMMUNICATORS**